

APPENDIX

Sent to Governor

(May 4, 1979)

S.C.R. 53**S.C.R. 69****S.B. 154****S.B. 255****S.B. 293** (Again sent)**S.B. 315****S.B. 394****S.B. 514****S.B. 529****SIXTY-FIFTH DAY**

(Monday, May 7, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Absent-excused: Braecklein.

A quorum was announced present.

The Reverend Willis G. Jernigan, Marble Falls Church of Christ, offered the invocation as follows:

Dear God and Father of mankind, the Creator of this world and the Giver of every good and perfect gift, accept our thanks for this land of freedom and prosperity. Around us is such plenty and opportunity that we sometimes do not appreciate that which You have entrusted into our care. Provide us with the wisdom not to waste so that we will never want. Help us to realize that the more we count the blessings we have, the less we crave the luxuries we don't have.

We thank You for the privilege of selecting those who have the power to govern. May they ever be conscious of Your purpose of government outlined by Paul in Romans the 13th chapter: to protect the good and to bring retribution upon those who are otherwise. Help them to realize that nothing is politically right when it is morally wrong. As they contemplate the budget for our state over the next two years, may they be reminded that much trouble is caused by our yearnings getting ahead of our earnings. As the education of our children is being contemplated may they remember that the only thing more expensive than education is ignorance.

May 7, 1979

SENATE JOURNAL

These senators face a very hectic week, so dear God, give them a good measure of health and stamina in order to make wise decisions. Through Christ we petition You. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 4, 1979, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Braecklein was granted leave of absence for today on account of important business on motion of Senator Doggett.

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 398, A bill to be entitled An Act relating to the number of licenses to make regulated loans that may be issued to one individual or other legal entity.

HB 940, A bill to be entitled An Act relating to the taxation of certain buses and repair and replacement parts for certain buses.

HB 956, A bill to be entitled An Act relating to the authority of the Texas Historical Commission to make grants to museums honoring fire fighters.

HB 1016, A bill to be entitled An Act relating to a declaration of Emancipation Day in Texas as a legal holiday.

HB 1323, A bill to be entitled An Act relating to the control and eradication of rabies; providing a penalty.

HB 1446, A bill to be entitled An Act relating to regulation of security deposits in connection with rentals of residential premises.

HB 1673, A bill to be entitled An Act relating to creation of the State Purchasing and General Services Commission and abolition of the State Board of Control.

HB 1773, A bill to be entitled An Act affecting the rights and duties of landlords and tenants; relating to a landlord's duty to repair certain conditions in a residential rental premises; providing for remedies of the tenant for landlord's failure to repair; imposing remedies for retaliation by tenants; imposing remedies for harassment by tenants and landlords; waiver under limited conditions; relating to court jurisdiction and venue over actions under this Act; repeal of laws; and declaring an emergency.

HB 2025, A bill to be entitled An Act relating to signing and witnessing an application for an absentee ballot; providing a penalty.

The House has tabled S.B. #163 on second reading, by a vote of 65 ayes and 57 nays

RESOLUTIONS CALENDAR

HCR 84, Granting permission to Beacon National Insurance Company and First Preferred Insurance Company to sue the state.

LOCAL AND CONSENT CALENDAR

HB 2171, A bill to be entitled An Act creating and establishing the Bois D'Arc Municipal Utility District of Fannin County, Texas, under Article XVI, Section 59, of the Texas Constitution; prescribing the powers of the district and its governing body; making certain findings in connection therewith; providing a severance clause; and declaring an emergency.

HB 2173, A bill to be entitled An Act relating to composition and compensation of the Grayson County Juvenile Board.

HB 2180, A bill to be entitled An Act relating to fishing in Live Oak County; and providing penalties.

HB 2181, A bill to be entitled An Act relating to a game sanctuary composed of the state-owned beds of certain rivers in Live Oak County; providing a penalty.

HB 2186, A bill to be entitled An Act relating to the approval of the Commissioners Court of Hays County of hunting and fishing regulations.

HB 2191, A bill to be entitled An Act relating to compensation of the commissioners of the DeWitt County Drainage District No. 1.

HB 2197, A bill to be entitled An Act relating to certain open seasons for the taking of animals and birds in Rains County.

HB 2199, A bill to be entitled An Act relating to the open season for raccoon hunting in Brazoria County.

HB 2225, A bill to be entitled An Act relating to the per diem received by the members and certain employees of the legislature while on travel status.

HB 2238, A bill to be entitled An Act relating to compensation of directors of the Bell County Water Control and Improvement District No. 3.

HB 1794, A bill to be entitled An Act relating to action on certain applications by the Texas Water Commission.

HB 1814, A bill to be entitled An Act relating to the regulation of surface mining.

HB 1857, A bill to be entitled An Act relating to the purposes for which a municipal utility district may use bond proceeds.

HB 1858, A bill to be entitled An Act relating to the purposes for which a water control and improvement district may issue bonds.

HB 1863, A bill to be entitled An Act relating to the regulation of agents governed by Article 21.07, Texas Insurance Code; amending Section 1, Article 21.07, Texas Insurance Code.

HB 1926, A bill to be entitled An Act relating to reorganization of the 112th Judicial District.

HB 1974, A bill to be entitled An Act amending Section 54.018, Texas Water Code, by adding a new subsection authorizing cities to require certain contracts with a municipal utility district ("district") as a part of the city's consent to the creation of the district; providing for approval of the contract by the Texas Department of Water Resources; requiring the contract to contain certain provisions for the continued existence of the district after annexation of all of its territory by the city; providing that districts which have entered into such a contract shall continue to exist after annexation until a date specified in the contract; containing other provisions related to the subject matter; and declaring an emergency.

HB 2000, A bill to be entitled An Act repealing Section 2, Chapter 389, Acts of the 61st Legislature, Regular Session, 1969 (Article 7326a, Vernon's Texas Civil Statutes), providing for an effective date of June 1, 1979; and declaring an emergency.

HB 2062, A bill to be entitled An Act relating to the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

HB 2115, A bill to be entitled An Act relating to regulation of weather modification.

HB 2167, A bill to be entitled An Act relating to the approval of the Commissioners Court of Houston County of hunting and fishing regulations.

HB 2168, A bill to be entitled An Act relating to compensation of commissioners of the Brazoria County Conservation and Reclamation District Number Three.

HB 1082, A bill to be entitled An Act amending Section 1 of Article 999e, Texas Revised Civil Statutes Annotated, authorizing incorporated cities or towns to be self insured for peace officers and fire fighters in their employ against liability to third persons arising out of the operation, maintenance or use of any motor vehicle owned or leased by a city or town; and declaring an emergency.

HB 1134, A bill to be entitled An Act relating to the liability of a political subdivision for certain acts of officers and employees.

HB 1147, A bill to be entitled An Act relating to creditable service in the Employees Retirement System of Texas as an elective state official.

HB 1237, A bill to be entitled An Act relating to classification of dependents for tuition purposes.

HB 1351, A bill to be entitled An Act relating to the definition and rights of certain utilities, amending Section 78 of the Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

HB 1442, A bill to be entitled An Act relating to administration of the statewide traffic safety program.

HB 1480, A bill to be entitled An Act relating to a lump-sum death benefit for contributing members of the Employees Retirement System of Texas.

HB 1530, A bill to be entitled An Act relating to the home production of wine.

HB 1554, A bill to be entitled An Act relating to the purchase and sale of land by the Veterans' Land Board.

HB 1571, A bill to be entitled An Act relating to the acknowledgment of the receipt of the mandate of the court of criminal appeals and notification to the court of criminal appeals when the mandate has been carried out and executed.

HB 1704, A bill to be entitled An Act relating to the boundaries of state representative districts 32C and 32D.

HB 1719, A bill to be entitled An Act relating to powers and duties of the board and executive director in the department of water resources.

HB 52, A bill to be entitled An Act relating to exemptions from jury service.

HB 309, A bill to be entitled An Act relating to the boundaries of state representative Districts 72A and 72B.

HB 467, A bill to be entitled An Act relating to the appointment, duties, and powers of masters in certain suits affecting the parent-child relationship and certain contempt of court proceedings.

HB 561, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law No. 2 of Bexar County.

HB 658, A bill to be entitled An Act relating to creation of the County Court at Law Number 4 of Travis County.

HB 775, A bill to be entitled An Act relating to the authority of the State Board of Education to allocate and distribute certain federal funds to the public junior colleges.

HB 793, A bill to be entitled An Act relating to coordination of certain functions of regulatory agencies.

HB 852, A bill to be entitled An Act repealing the law requiring cuspidors in railway stations and on passenger trains.

HB 915, A bill to be entitled An Act relating to training requirements for private security officers.

HB 916, A bill to be entitled An Act relating to psychological testing of applicants for private security officer commissions.

HB 930, A bill to be entitled An Act relating to validation of the incorporation, boundaries, and governmental proceedings of general law municipalities.

HB 995, A bill to be entitled An Act relating to the designation of certain highways.

S.B. 123 Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Wise County; making other provisions relative to the courts in Wise County and the membership of the juvenile board. (With amendment)

S.B. 156 Relating to creation of the County Court at Law of Wichita County. (With amendment)

S.B. 301 Amending Section 66.213 of the Parks and Wildlife Code to require buoyancy equipment on nets to reduce boating hazards and declaring an emergency.

S.B. 729 Relating to the creation, establishment, administration, maintenance, operation, and financing of the Hardeman County Hospital District of Hardeman County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 999 Amending Chapter 341, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 1187f, Vernon's Texas Civil Statutes, as amended) by amending Section 2 thereof; relating to the issuance of certain revenue bonds by cities and towns located on the coast of the Gulf of Mexico, or any channel, canal, bay or inlet connected therewith, having a population of more than 5,000 inhabitants; and declaring an emergency.

S.B. 1225 AN ACT relating to the Reagan County Water Supply District; (With amendment)

S.B. 142 Relating to the disposition of assets of a corporation, derivative suits, and certain corporate mergers.

S.B. 425 Authorizing and making an appropriation to the Texas Real Estate Commission; and declaring an emergency.

S.B. 494 Relating to a plaintiff's dismissal of condemnation proceedings and recovery of expenses by a landowner.

S.B. 737 Relating to leasing of certain tracts of public school land. (With amendment)

S.B. 833 Relating to the definition of gas utility, public utility, and utility for certain purposes.

S.B. 1186 AN ACT, relating to the authority of the Texas Department of Mental Health and Mental Retardation to transfer items of appropriation to the Corpus Christi State School.

S.B. 1254 Making a supplemental appropriation to the Treasurer's office. (Submitted by Governor as an emergency)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Jones of Harris submitted the following report for the Committee on Administration:

H.B. 1146 (Amended)

Senator Creighton submitted the following report for the Committee on Economic Development:

H.B. 1373**H.B. 1318****H.B. 1297****H.B. 585****S.B. 365** (Amended)**S.B. 119** (Amended)**C.S.S.B. 364** (Read first time)**C.S.H.B. 452** (Read first time)**C.S.H.B. 41** (Read first time)**SENATE BILLS ON FIRST READING**

On motion of Senator Doggett and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1302 by Doggett

Economic Development

Relating to certain definitions in, the relief and defenses available under, and the intent of the legislature regarding the construction of certain provisions of actions commenced by district and county attorneys concerning acts and practices declared to be unlawful under the provisions of, Subchapter E, Chapter 17, Business & Commerce Code, as amended; and declaring an emergency.

S.B. 1303 by Patman

Intergovernmental Relations

Relating to the creation, establishment, administration, maintenance, operation, and financing of the Jackson County Hospital District of Jackson County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

S.B. 1304 by Patman

Intergovernmental Relations

Relating to creation of the County Court at Law No. 2 of Victoria County and membership of the juvenile board.

S.B. 1306 by Farabec

Intergovernmental Relations

Relating to the creation, establishment, administration, maintenance, operation, and financing of Wichita County Hospital District by authority of Article IX, Section 9 of the Texas Constitution, as amended; prescribing the rights, powers, duties, and obligations of the district and its governing personnel; providing for choice of election date; providing procedures for the issuance of bonds, their terms and conditions, and their security; providing for refunding bonds; providing the characteristics of the bonds and for their eligibility for investments and as security for deposit of public funds; making district bonds and profits exempt from taxes; providing for termination of this act within specified time if the district has not been created; and declaring an emergency.

RESOLUTIONS ON FIRST READING

The following resolutions received from the House were read the first time and referred to the Committee indicated:

H.C.R. 27, To Committee on Administration

H.C.R. 74, To Committee on Administration.

SENATE RESOLUTION 530

Senator Schwartz offered the following resolution:

WHEREAS, In the practice of politics where superlatives are often handed out buffet-style, there can be few words to describe human relations more valued than to be called one's friend; and

WHEREAS, Ms. Sybil Dickinson, former Director of the Administrative Division of the Secretary of State, was known simply as just that: everybody's friend; and

WHEREAS, She worked as the most competent member of the Secretary's staff, assisting 14 Secretaries of State in her 36 years of public service; and

WHEREAS, Her colleagues regarded her as a most wonderful person to work with and still admire her for her wit, charm, and vast knowledge of the inner workings of state government; and

WHEREAS, Descendant of a great-grandfather Dickinson who as a medical doctor accompanied Stephen F. Austin to Texas, she is an avid scholar of Texas history and was appointed by Governor Dolph Briscoe to serve on the Texas Historical Commission; and

WHEREAS, She defined the meaning of being a public servant as "knowing and caring and decency and honesty"; she lived up to her definition through the many years of her service; and

WHEREAS, Recently, Ms. Dickinson underwent successful heart surgery and will return home shortly for what we all hope will be her total recuperation; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 66th Legislature, extend best wishes for a speedy and complete recovery to this charming and elegant lady; and, be it further

RESOLVED, That the Texas Senate send along its heartfelt gratitude for her many years of loyal and devoted service to the Texas Legislature and the people of this state; and, be it further

RESOLVED, That official copies of this Resolution be prepared under the official seal of the Senate as an expression of the highest esteem for Ms. Sybil Dickinson from the members of the Texas Senate.

The resolution was read.

On motion of Senator McKnight and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas
May 4, 1979

TO THE SENATE OF THE SIXTY-SIXTH LEGISLATURE; REGULAR SESSION:

Pursuant to Article III, Section 5 of the Texas Constitution I herewith submit as an emergency matter the following:

- 1) An emergency appropriation from General Revenue Fund not to exceed \$200,000 to the Parks and Wildlife Department for repair of damage caused by flood to the Texas State Railroad.

Respectfully submitted,

/s/W. P. Clements, Jr.
Governor

SENATE BILL 555 WITH HOUSE AMENDMENT

Senator Blake called **S.B. 555** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Craddick

Substitute the following for S.B. No. 555:

Relating to the operation of certain motor vehicles on property used for public water facilities; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 50, Water Code, as amended, is amended by adding Section 50.056 to read as follows:

Sec. 50.056. OPERATION OF CERTAIN MOTOR VEHICLES ON OR NEAR PUBLIC WATER FACILITIES. (a) In this section:

(1) "Motorcycle" means a motor vehicle that has a saddle for use of the rider and that is designed to travel on not more than three wheels in contact with the ground, but does not include a tractor.

(2) "Recreational vehicle" means a motor vehicle that is designed to be used as temporary living quarters, and includes a motor home, travel trailer, camping trailer, truck camper, or fifth wheel trailer, but does not include a mobile home intended for permanent housing.

(b) Except as provided in Subsections (c) and (d) of this section, a person may not operate a motorcycle, recreational vehicle or a four wheel drive vehicle on a levee, in a drainage ditch, or on land adjacent to a levee, canal, ditch, exposed conduit, pumping plant, or other facility for the transmission or storage of water or sewage, that is owned or controlled by a district.

(c) A district may authorize the use of motorcycles, recreational vehicles and four wheel drive vehicles on land that it owns or controls by posting signs on the property.

(d) This section does not prohibit a person from:

- (1) driving on a public road or highway; or
- (2) operating a motor vehicle that is being used for repair or maintenance of public water facilities.

(e) A person who operates a motorcycle, recreational vehicle or four wheel drive vehicle in violation of Subsection (b) of this section commits an offense. An offense under this section is a Class C misdemeanor, except that if a person has been convicted of an offense under this section, a subsequent offense is a Class B misdemeanor.

SECTION 2. This Act takes effect on September 1, 1979.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Blake moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 555** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Blake, Howard, Mengden, Farabee and Meier.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 387 ADOPTED

Senator Harris called from the President's table the Conference Committee Report on **S.B. 387**. (The Conference Committee Report having been filed with the Senate and read on Friday, May 4, 1979.)

On motion of Senator Harris, the Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1257 ADOPTED

Senator Farabee called from the President's table the Conference Committee Report on **S.B. 1257**. (The Conference Committee Report having been filed with the Senate and read on Friday, May 4, 1979.)

On motion of Senator Farabee, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Braecklein.

**SENATE CONCURRENT RESOLUTION 67
WITH HOUSE AMENDMENT**

Senator Moore called **S.C.R. 67** from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Amendment No. 1 - McBee

Amend **S.C.R. 67** as follows:

- (1) On Page 1, Line 20 after the word "cotton", strike the word "a" and insert the words "wool, and mohair,"
- (2) On Page 1, Line 20 strike the word "fiber" and "contributes" and insert in lieu of the word "fibers" and "contribute".
- (3) On Page 1, Line 22 after the word "cotton" add a comma and insert the words "wool and mohair".

The amendment was read.

Senator Moore moved to concur in the House amendment.

The motion prevailed.

RECORD OF VOTES

Senators Parker, Mauzy and Doggett asked to be recorded as voting "Nay" on the motion to concur in the House amendment.

SENATE BILL 442 WITH HOUSE AMENDMENT

Senator Santiesteban called **S.B. 442** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Nabers

Amend **S.B. 442** by adding the following language at line 12, following the word "counsel".

"The thirty day time limit provided in Section 9 of this Article shall commence when the notice is mailed."

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Braecklein.

SENATE BILL 447 WITH HOUSE AMENDMENT

Senator Santiesteban called **S.B. 447** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Smith

Amend **S.B. 447** on Page 2, line 14, by striking the period at the end of the sentence, adding a comma, and adding the following language:

"if authorized by the agent in writing,"

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed.

SENATE RULE 74(a) SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 74(a) was suspended as it relates to the House amendment to **S.B. 737**.

SENATE BILL 737 WITH HOUSE AMENDMENT

Senator Santiesteban called **S.B. 737** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Hollowell

AMEND **S.B. 737** Section 1, Section 51.121, Natural Resources Code, by adding a new subsection (c) which shall read as follows:

"(c) Commercial improvements on land leased under Section 51.121 (b) Natural Resources Code shall be removed prior to the expiration of the lease unless a renewal or an extension of the lease has been finalized prior to the expiration of the term of the lease. If commercial improvements are not removed prior to the expiration of the lease and if there has been no renewal or extension prior to the expiration of the lease then the commercial improvements on the land shall become property of the state."

The amendment was read.

Senator Santiesteban moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Braecklein.

SENATE BILL 518 WITH HOUSE AMENDMENT

Senator Ogg called **S.B. 518** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Maloney

Amend **S.B. 518**, Page 1, line 13, by inserting after the word "request" the following: "in writing" and on Page 1, line 14, by inserting after the word "defendant" the following:

" , at the address stated in the request,"

The amendment was read.

Senator Ogg moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 164 WITH HOUSE AMENDMENTS

Senator Ogg called **S.B. 164** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1 - G. Green

Amend **S.B. 164**, Section 2, Page 2, Lines 20 and 21 to read as follows:

"Section 14A. AUTHORITY TO ISSUE CITATIONS. A state plumbing inspector or a city plumbing inspector working within the jurisdiction of the city which employs him may issue a citation to a person who:"

Amendment No. 2 - McFarland

Amend **S.B. 164** on page 3 by adding the word "or" after the semicolon on line 4, striking lines 5 and 6, and renumbering the following subsections accordingly.

Amendment No. 3 - Temple

Amend SB 164 by striking "eighty thousand (80,000)" and inserting in its place "three hundred thousand (300,000)" on page 1, line 17

Amendment No. 4 - G. Green

Amend SB 164 by striking "eighty thousand (80,000)" and inserting in its place "(150,000)" on page 1, line 17

Amendment No. 5 - Agnich

Amend the Temple amendment to **S.B. 164** by striking the figure "300,000" and substituting the figure "1,500,000."

Amendment No. 6 - Messer

Amend **S.B. 164** by inserting on line 17 of page 2 a subsection (d) to section 1 which states:

"Plumbing work done outside the municipal limits of an organized city, town, or village if that plumbing work is directly related to a water supply system."

Amendment No. 7 - G. Green

Amend **S.B. 164**, page 1, by striking all of Section 1 and renumbering subsequent sections accordingly.

The amendments were read.

Senator Ogg moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 164** before appointment.

Senator Howard moved that the Senate conferees not accept a figure lower than the \$80,000 as contained in the Senate bill.

The motion prevailed with no objections.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Ogg, Williams, Parker, Santiesteban and Kothmann.

SENATE BILL 259 WITH HOUSE AMENDMENTS

Senator McKnight called **S.B. 259** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1 - Jackson

Substitute the following for S.B. No. 259:

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain irrigators; and providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

- (1) "Person" means a natural person.
- (2) "Board" means the Texas Board of Irrigators.
- (3) "Executive director" means the executive director of the Texas Department of Water Resources.
- (4) "Executive secretary" means the executive secretary of the board.
- (5) "Commission" means the Texas Water Commission.
- (6) "Irrigation system" means an assembly of component parts permanently installed with and for the controlled distribution and conservation of water for the purpose of irrigating any type of landscape vegetation in any location or for the purpose of dust reduction or erosion control.

(7) "Licensed irrigator" means a person, licensed under this Act, who maintains a regular place of business, and who, by himself or herself, or through a person in his or her employ, sells, designs, consults, installs, maintains, alters, repairs, or services an irrigation system or yard sprinkler system including connections in and to a private or public raw or potable water supply or water supply system.

(8) "Licensed installer" means a person who performs the actual connection to private or public raw or potable water supply systems.

SECTION 2. EXEMPTIONS. This Act does not apply to:

- (1) any person licensed by the Texas State Board of Plumbing Examiners;
- (2) a registered professional engineer or architect or landscape architect if his or her acts are incidental to the pursuit of his or her profession;
- (3) irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by him or her as his or her home;
- (4) irrigation or yard sprinkler work done by a maintenance person incidental to and on premises owned by the business in which he or she is regularly employed or engaged, and who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;
- (5) irrigation or yard sprinkler work done on the premises or equipment of a railroad by a regular employee of the railroad who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;
- (6) irrigation and yard sprinkler work done by a person who is regularly employed by a county, city, town, special district, or political subdivision of the state on public property;
- (7) a temporary or portable water device such as a garden hose, hose sprinkler, soaker hose, or agricultural irrigation system;
- (8) a portable or solid set or other type of commercial agricultural irrigation system; or
- (9) irrigation or yard sprinkler work done by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land, on land owned by himself or herself.

SECTION 3. TEXAS BOARD OF IRRIGATORS. (a) There is created a Texas Board of Irrigators composed of six members, each of whom shall be a citizen of the United States and a resident of this state.

(b) Each member of the board and his or her successor shall be appointed by the governor with the advice and consent of the senate. Two members shall be members of the public not licensed under this Act, and four members shall be licensed irrigators who have been actively engaged in the practice of irrigation of the type licensed under this Act for a period of at least five years. A person is not eligible for appointment to the board if the person has contributed more than \$1,000 on behalf of the political candidacy of the governor who makes the appointments under this Act. Appointments to the board shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(c) Except for the initial appointees to the board, the members of the board hold office for terms of six years, with the terms of two members expiring on January 31 of each odd-numbered year. In making initial appointments, the governor shall designate two members to serve terms expiring January 31, 1981, two members to serve terms expiring January 31, 1983, and two members to serve terms expiring January 31, 1985.

(d) The board shall select one of its members as chairman. The chairman shall serve for the term provided by the rules of the board and may be removed for cause, but his or her removal does not disqualify him or her from continuing as a member of the board.

(c) Four members of the board constitute a quorum for transaction of business.

(f) The initial board shall hold its first meeting within 30 days after all members have qualified, and the board shall hold at least two regular meetings each year at a time and place designated by the chairman. The board may hold special meetings at times and places considered necessary by a majority of the members of the board.

(g) Each member shall receive as compensation for his or her services \$25 a day for each day he or she is actively engaged in official duties in addition to actual travel expenses.

(h) It is a ground for removal of a member from the board that the member does not attend at least one-half of the regularly scheduled meetings held by the board in a calendar year.

SECTION 4. CONFLICT OF INTEREST. A member of the board may not be an officer, employee, or paid consultant of a trade association in the field of landscape irrigation. No board member may be related within the second degree by affinity or within the second degree by consanguinity to a person who is an officer, employee, or paid consultant of a trade association in the irrigation industry.

SECTION 5. EXECUTIVE SECRETARY; EMPLOYEES. (a) The board may employ an executive secretary approved by the executive director to perform the duties and functions provided by this Act and as directed by the board.

(b) The executive director shall provide necessary personnel, as available, to assist the executive secretary and the board in performing their duties and functions under this Act.

(c) The commission shall hear all contested cases as defined in the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), arising under this Act. The board is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) A person who is required to register as a lobbyist under Chapter 422, Acts of the 63rd Legislature, Regular Session, 1973, as amended (Article 6252-9c, Vernon's Texas Civil Statutes), may not act as the general counsel to the board.

SECTION 6. BOARD FINANCES. (a) Money paid to the board under this Act shall be deposited in the state treasury in a special fund known as the Texas Board of Irrigators fund.

(b) The Texas Board of Irrigators fund shall be used to pay expenses under this Act.

(c) Before September 1 of each year, the board shall make a written report to the governor accounting for all receipts and disbursements under this Act.

(d) The state auditor shall audit the financial transactions of the board during each fiscal year.

SECTION 7. RULES. (a) The board shall adopt only those rules consistent with this Act to govern the conduct of its business and proceedings, and shall adopt standards governing revocation of certificates of registration and connections to public or private water supplies by a licensed irrigator or a licensed installer.

(b) The board does not have authority to amend or enlarge by rule on any provision of this Act, to change the meaning of this Act by rule in any manner, to adopt a rule that is contrary to the underlying and fundamental purposes of this Act, or to make a rule that is unreasonable, arbitrary, capricious, illegal, or unnecessary.

(c) The board shall adopt no rules which would preclude advertising or competitive bidding.

(d) If the appropriate standing committee of either house of the legislature acting under Section 5(g), Administrative Procedure and Texas Register Act, as added (Article 6252-13a, Vernon's Texas Civil Statutes), transmits to the board statements opposing adoption of a rule under that section, the rule may not take effect or, if the rule has already taken effect, the rule is repealed effective on the date the board receives the committee's statements.

SECTION 8. REGISTRATION REQUIREMENT. (a) No person may act as a licensed irrigator or licensed installer unless he or she has a valid certificate of registration under this Act.

(b) The board shall issue certificates of registration to persons of good moral character who have shown themselves fit, competent, and qualified to act as licensed irrigators or licensed installers by passing a uniform, reasonable examination which will include the principles of cross connections and safety devices to prevent contamination of potable water supplies.

(c) The board shall provide in its rules for the preparation, administration, and grading of examinations to acquire certificates of registration under this Act. The fee for taking the examination is \$50 for the irrigator certificate of registration and \$35 for the installer certificate of registration.

(d) A person holding a certificate of registration under this Act shall not be required to comply with any other licensing requirements of other state agencies to perform connections to private or public raw or potable water supply systems.

(e) Not later than the 30th day after the day on which a person completes an examination administered by the board, the board shall send to the person his or her examination results. If requested in writing by a person who fails the examination, the board shall send to the person not later than the 30th day after the day on which the request is received by the board an analysis of the person's performance on the examination.

SECTION 9. RECIPROCITY. (a) The board may certify for registration without examination an applicant who is registered as a licensed irrigator or licensed installer in another state or country that has requirements for registration that are at least substantially equivalent to the requirements of this state and that extends the same privilege of reciprocity to licensed irrigators or licensed installers registered in this state.

(b) The application for registration under this section shall be accompanied by a fee of not to exceed \$50 for a licensed irrigator or \$35 for a licensed installer as determined by the board.

SECTION 10. RENEWAL. (a) Certificates of registration expire on August 31 of each year.

(b) The board or the executive secretary shall notify every person registered under this Act of the date of expiration of his or her certificate and the amount of the fee that is required for renewal for one year. The notice shall be mailed at least two months in advance of the date of expiration of the certificate.

(c) A person may renew his or her certificate at any time during the months of July and August of each year by payment of the fee adopted by the board in an amount of not more than \$100 for a licensed irrigator or \$50 for a licensed installer.

(d) Failure of a registrant to renew his or her certificate by August 31 does not deprive the registrant of the right to renewal, but the fee paid for renewal of a certificate after the August 31 expiration date shall be increased 10 percent for each month or part of a month that renewal payment is delayed. If the registrant fails to renew within 90 days after the date of expiration of the

registration certificate, the registrant must reapply for registration and must qualify under Section 7 of this Act to act as a licensed irrigator or licensed installer.

(e) Renewal certificates carry the same registration number as the original certificates.

(f) By rule, the board may adopt a system under which certificates of registration may expire on various dates during the year. Renewals may be made at any time during the two-month period before the designated expiration date, and renewal fees paid after the expiration date shall be increased 10 percent for each month or part of a month that renewal payment is delayed. If a registrant fails to renew within 90 days after the expiration date of the registration, the registrant must reapply for registration and must qualify under Section 8 of this Act to act as a licensed irrigator or a licensed installer. For the year in which the expiration date is changed, registration fees payable on August 31 shall be prorated on a monthly basis so that each registrant will pay only that portion of the registration fee that is allocable to the number of months during which the registration is valid, and on renewal of the registration on the new expiration date, the total of the registration fee is payable.

SECTION 11. REVOCATION. (a) The commission may revoke a certificate of registration of any registrant whom it finds guilty of:

- (1) violations of this Act or rules adopted under this Act;
- (2) fraud or deceit in obtaining a certificate of registration; or
- (3) gross negligence, incompetency, or misconduct while acting as a licensed irrigator or licensed installer.

(b) The commission shall hear complaints under Subsection (a) of this section subject to standards adopted by the board in its rules.

(c) Any person may file a complaint with the board. The complaint shall be in writing, shall be notarized and shall set forth the facts alleged. Three copies of the written allegations shall be filed with the executive director. One copy shall be sent by certified mail to the alleged violator.

(d) On receipt of written allegations, the board, if it considers the information sufficient to support further action, shall issue an order referring the complaint to the commission for setting a hearing.

(e) If the executive director determines through investigation that evidence exists of a violation, he may refer such evidence to the board or may proceed directly to the commission to request setting of a hearing.

(f) The commission may compel the attendance of a witness before it as in civil cases in the district court by issuance of a subpoena.

SECTION 12. PENALTY; INJUNCTION. (a) A person who represents himself or herself as a licensed irrigator or licensed installer in this state without being registered or exempted under this Act, who presents or attempts to use as his or her own the certificate of registration or the seal of another person who is a licensed irrigator or licensed installer, who gives false or forged evidence of any kind to the board or to any member of the board in obtaining or assisting in obtaining for another a certificate of registration, or who violates a provision of this Act or a rule adopted under this Act, shall be guilty of a Class C misdemeanor. Each day a violation of this subsection occurs constitutes a separate offense.

(b) The board or the executive director may request the attorney general to seek injunctive relief to prevent any of the acts of violation listed in Subsection (a) of this section.

SECTION 13. ENFORCEMENT OF ACT. The executive director with the assistance of the attorney general shall enforce this Act and the rules adopted by the board.

SECTION 14. LOCAL RULES AND REGULATIONS. The regulatory authority of any city, town, county, special purpose district, or other political subdivision of the state may require licensed irrigators or licensed installers to comply with any reasonable inspection requirements or ordinances and regulations designed to protect the public water supply and pay any reasonable fees imposed by that local entity relating to work performed by licensed irrigators within its jurisdiction.

SECTION 15. CERTIFICATION OF CERTAIN PERSONS. A person who holds a license as a landscape irrigator under Chapter 457, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 249c, Vernon's Texas Civil Statutes), on the effective date of this Act is entitled to be certified as a licensed irrigator without meeting the requirements of Section 8 of this Act; however, persons seeking to become licensed installers must comply with Section 7 of this Act.

SECTION 16. SUNSET PROVISION. The board is subject to the Texas Sunset Act, and unless continued in existence as provided by that Act, the board is abolished and this Act expires effective September 1, 1991.

SECTION 17. REPEAL OF CONFLICTING LEGISLATION WITH PROVISIO. All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed, provided however, that this Act shall only be construed as repealing or amending any laws affecting or regulating any other profession as necessary to allow a licensed irrigator or a licensed installer under this Act to connect an irrigation system to any public or private raw or potable water supply system.

SECTION 18. SEVERABILITY. If any article, section, subsection, sentence, clause, or phrase of this Act is for any purpose or reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions thereof be declared unconstitutional.

SECTION 19. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 2 - G. Hill

Amend C.S.S.B. No. 259, page 11, Section 15, line 22 by deleting the words, "Section 7", and substituting therefor the words "Section 8".

The amendments were read.

Senator McKnight moved to concur in the House amendments.

The motion prevailed.

SENATE BILL 586 WITH HOUSE AMENDMENT

Senator McKnight called **S.B. 586** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Ceverha

Amend S.B. No. 586 by inserting on Page 1 in line 8 after the word "all" the following language: "commissioned law enforcement personnel of the State Board of Control, all commissioned" and on Page 1, line 10 by inserting the words "all commissioned peace officers of state institutions of higher education," after the word "Commission," and before the words "and all".

The amendment was read.

Senator McKnight moved to concur in the House amendment.

The motion prevailed.

SENATE BILL 218 WITH HOUSE AMENDMENT

Senator Schwartz called **S.B. 218** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Looney

Amend S.B. No. 218 on page 1 line 12 after "boundaries" and before "which" the following language "or within its extraterritorial jurisdiction"

The amendment was read.

Senator Schwartz moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Braecklein.

SENATE RULE 74(a) SUSPENDED

On motion of Senator Snelson and by unanimous consent, Senate Rule 74(a) was suspended as it relates to the House amendment to **S.B. 1225**.

SENATE BILL 1225 WITH HOUSE AMENDMENT

Senator Snelson called **S.B. 1225** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Craddick

Substitute the following for S.B. No. 1225:

A BILL TO BE ENTITLED**AN ACT**

relating to the powers, duties, operations, financing, and expansion of the Reagan County Water Supply District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 505, Acts of the 54th Legislature, Regular Session, 1955 (Article 8280-181, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. Under and pursuant to the provisions of Section 59, Article 16, of the Constitution, a conservation and reclamation district is hereby created and incorporated in Reagan County, Texas, to be known as "Reagan County Water Supply District," hereinafter sometimes referred to as the "District," and such District shall include all of the area of Reagan County, Texas, and the boundaries of said District shall be identical with the boundaries of said County.

Sec. 2. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefited by the works and projects which are to be accomplished by the District, pursuant to powers conferred by the provisions of Section 59, Article 16, of the Texas Constitution, and that such District is created to serve a public use and benefit, and that such District shall be a governmental agency and a body politic and corporate. ~~[The District shall have and exercise, and is hereby vested with all of the rights, powers, privileges and duties conferred and imposed by the general laws of this State now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Section 59, Article 16, of the Constitution, but to the extent that the provisions of any such general laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act. Provided, that the District shall not be empowered to exercise the power of eminent domain outside the boundaries of the District, except for the condemnation of easements and right of ways for ditches or pipelines for the transportation of water.]~~

Sec. 3. The management and control of the District is hereby vested in a board of directors which shall have all of the powers and authority conferred and imposed upon boards of directors of water control and improvement districts organized under the provisions of Chapter 25, Acts of the Thirty-ninth Legislature passed in 1925, and amendments thereto, as incorporated in Title 128, Chapter 3A, of Vernon's Civil Statutes of the State of Texas, and amendments thereto. The board of directors shall be composed of five (5) members. No person shall be appointed a director unless he resides in and owns taxable property in the District, and who has duly rendered the same for taxation. All directors shall subscribe to the Constitutional Oath of Office and give bond in the amount of Five Thousand Dollars (\$5,000). No member of a governing body of any city or town, and no employee of a city or town, and no member of the governing body of the county in which the District is situated, and no employee of the county in which the District is situated, shall be a director. In the event and to the extent that any of the provisions of the general laws referred to in this Section are in conflict with or inconsistent with any of the provisions of this Act relating to the appointment, powers, authority and duties of the board of directors and its members, the provisions of this Act shall prevail. The board of directors shall be appointed by a Citizens Committee. The Citizens Committee shall consist of three (3) members appointed as follows: one (1) to be appointed by the Commissioners Court of Reagan County, Texas, one (1) to be appointed by the City Council of the City of Big Lake, Texas, and the third member to be appointed by the two (2) members so appointed by the Commissioners Court of Reagan County and the City Council of the City of Big Lake. Any vacancy on the Citizens Committee shall be filled by the entity that he represents, or, if it be the committeeman appointed by the two (2) entities, then the existing committeemen shall appoint the third member as provided for in the original committee.

The first Citizens Committee shall be appointed as follows: The Commissioners Court of Reagan County, Texas, and the City Council of the City of Big Lake, Texas, shall appoint its respective committeeman to the Citizens Committee within ten (10) days from the effective date of this Act, or as soon as possible thereafter. The third member of the Citizens Committee shall be appointed by the aforementioned committeemen within five (5) days from the date said committeemen qualify, or as soon as possible thereafter. The first Citizens Committee shall serve until April 1, 1956, or until their successors have been appointed and have qualified. A new Citizens Committee shall be appointed on April 1, 1956, or until their successors have been appointed and have qualified. A new Citizens Committee shall be appointed on April 1, 1956, and on April 1st of each year thereafter, or as soon thereafter as possible, and the appointments are to be made in the same manner and way as provided for in this Act for the appointment of the first Citizens Committee. Nothing in this Act is to be construed as prohibiting the reappointment of the same person to serve on successive Citizens Committee or Board of Directors. The Citizens Committee shall serve without pay or compensation.

The Citizens Committee is hereby authorized and empowered to appoint five (5) persons qualified under the law to serve as Directors of the District until their successors shall have been duly appointed and qualified. Vacancies on the Board of Directors shall be filled by the Citizens Committee for the unexpired term. The Board of Directors of the District is authorized to combine the office of the Secretary-Treasurer of the District and may appoint a Secretary-Treasurer who may or may not be a member of the Board. Two (2) of the directors first appointed shall serve until the first day of May, 1956, and three (3) of such directors shall serve until May 1, 1957. The Citizens Committee shall appoint successors to said first two (2) directors on May 1, 1956, for a term of two (2) years and shall appoint successors to the said first three (3) directors on May 1, 1957, who shall serve for a term of two (2) years. Such directors shall continue to be appointed in like manner thereafter for terms of two (2) years. The Board of Directors shall select from its members a President and a Vice President of the District, and such other officers as in the judgment of the Board are necessary. All directors shall qualify and file their bonds and take the oath of office in the manner provided by the general laws governing water control and improvement districts. The Treasurer shall give bond in such amount as the Board may require and conditioned that he will faithfully account for all money which shall come into his custody as Treasurer of the District. The Board may appoint all necessary engineers, attorneys and other employees and provide for their compensation. The Board shall adopt a seal for the District. A majority of the Board shall constitute a quorum for the transaction of business. The President shall be the Chief Executive Officer of the District and the presiding officer of the Board and shall have the same right to vote as any other director. The Vice President shall perform all duties and exercise all powers conferred on the President when the President is absent or fails or refuses to act. Each director shall receive a fee of Five Dollars (\$5) for attending each meeting of the Board and shall be entitled to reimbursement for actual expenses incurred in attending to business of the District, providing such services and expenses are expressly authorized and approved by the Board and shown in the minutes and the records of the Board.

Sec. 4. It is hereby found and determined that all of the lands included within the boundaries of the District will be benefited and that the District is created to serve a public use and benefit. Within thirty (30) days after the effective date of this Act, the Commissioners Court of Reagan County shall, without the necessity of having a petition presented, order an election to be held

within said District for the purpose of confirming the organization of the District, provided that said election shall not be sooner than sixty (60) days nor later than ninety (90) days after same is ordered. The proposition to be voted upon shall be clearly stated on the ballot. Only qualified electors who reside in and who own taxable property in such District and who have duly rendered the same for taxation to the county in which it is situated, shall be qualified to vote in said election. Notice of said election shall be published at least twice in a newspaper of general circulation in the District, at least thirty (30) days, and at least ten (10) days respectively, prior to the date of the election. Returns of said election shall be made to the Commissioners Court and the Commissioners Court shall canvass such returns and declare the result of said election. No hearings shall be held to determine whether any lands included within the boundaries of the District should be excluded.

Sec. 5. (a) The District is hereby granted, has, and may exercise all powers necessary or appropriate to carry out, achieve, or effectuate the purposes of this Act, including, without limitation, the powers stated in this Section.

(b) The District may sue and be sued, and plead and be impleaded, in its own name.

(c) The District may adopt an official seal and alter the seal when deemed advisable and may adopt and enforce bylaws, rules, and regulations, for the conduct of its affairs, not inconsistent with the provisions of this Act.

(d) The District may acquire, hold, use, and dispose of its revenues, income, receipts, funds, and money from every source, and may select its depository or depositories.

(e) The District may acquire, own, rent, lease, accept, hold, or dispose of any property, or any interest in property, in performing its duties and exercising its powers under this Act, by purchase, exchange, gift, assignment, condemnation, sale, lease, or otherwise, including rights or easements, and may hold, manage, operate, or improve property.

(f) The District may sell, assign, lease, encumber, mortgage, or otherwise dispose of any property, or any interest in property, and release or relinquish any right, title, claim, lien, interest, easement, or demand, however acquired, and may do any of the foregoing by public or private sale, with or without public bidding, notwithstanding the provisions of any other law, and may lease or rent any land, buildings, structures, or facilities from or to any person, firm, corporation, city, or other public agency or political subdivision to effectuate the purposes of this Act.

(g) The District may request and accept any appropriations, grants, allocations, subsidies, guaranties, aid, contributions, services, labor, materials, gifts, or donations from the federal government, the state, any city, public agency, political subdivision, or any other sources.

(h) The District may operate and maintain an office and may appoint and determine the duties, tenure, qualifications, and compensation of its officers, employees, agents, professional advisors, and counselors, including, without limitation, financial consultants, accountants, attorneys, architects, engineers, appraisers, and financing experts, as are deemed necessary or advisable by the Board.

(i) The District may issue its bonds, provide for and secure the payment of its bonds, and provide for the rights of the holders of its bonds, in the manner and to the extent permitted by this Act.

(j) The District may fix and revise from time to time and charge and collect rates, fees, and charges for its facilities and services.

(k) The District may levy and collect a tax not to exceed 25 cents on the \$100 valuation of taxable property for maintenance purposes, including funds for

planning, maintaining, repairing, and operating all necessary plant lines, works facilities, improvements, appliances, and equipment of the District, and for paying costs of proper services, engineering, fiscal, and legal fees, and organization and administration expenses. A maintenance tax may not be levied by the District until it is approved by a majority of the qualified electors voting at an election held for that purpose, which shall be conducted in the same manner as a district bond election. A maintenance tax election may be held at the same time and in conjunction with an election to authorize bonds.

(l) The District may exercise all powers granted by Chapter 30 of the Water Code to water districts created under Section 59, Article 16, of the Texas Constitution.

Sec. 6. (a) Territory may be annexed to the District in the manner provided in this Section.

(b) A petition praying for annexation signed by fifty (50) or a majority, whichever number is smaller, of the resident, qualified voters of the territory or of duly incorporated cities or towns sought to be annexed, shall be filed with the Board. The petition shall describe the territory to be annexed by metes and bounds, or otherwise, unless the territory is the same as that contained within the boundaries of the city or town, in which event it shall be sufficient to state that the territory to be annexed is that which is contained within the boundaries of the city or town.

(c) If the Board finds that the petition complies with and is signed by the number of qualified persons required by Subsection (b) of this Section, that the annexation would be to the best interest of the territory, the city or town, and the District, and that the District will be able to supply water, or have water supplied to the territory, city, or town, it shall adopt a resolution stating the conditions, if any, under which the territory, city, or town may be annexed to the District, and shall fix a time and place when and where a hearing shall be held by the Board on the question of whether the territory, city, or town sought to be annexed will be benefited by the improvements, works, and facilities then owned or operated or contemplated to be owned or operated by the District or by the other functions of the District. Notice of the adoption of this resolution stating the time and place of the hearing shall be published one time in a newspaper of general circulation in the territory, city, or town sought to be annexed at least ten (10) days prior to the date of the hearing. The notice shall describe the territory in the same manner in which it is required or permitted by this Act to be described in the petition. All persons interested may appear at the hearing and offer evidence for or against the proposed annexation. The hearing may proceed in the order and under the rules prescribed by the Board, and the hearing may be recessed from time to time. If, at the conclusion of the hearing, the Board finds that the property in the territory, city, or town will be benefited by the present or contemplated improvements, works, or facilities of the District, the Board shall adopt a resolution making a finding of that benefit and calling an election in the territory, city, or town proposed to be annexed, stating the date of the election, the place or places of holding the election, and the proposition to be voted on, and appointing a presiding judge for each voting place who shall appoint the necessary assistant judges and clerks to assist in holding the election.

(d) Notice of the election shall be given by publishing a substantial copy of the resolution calling the election one time in a newspaper of general circulation in the territory, city, or town sought to be annexed to the District at least ten (10) days before the date set for the election. Only resident, qualified electors who reside in the territory, city, or town sought to be annexed shall be qualified to vote in the election. Returns of the result of the election shall be made to the Board. The Board shall canvass the returns of the election and adopt an order

declaring the results of the election. If the order shows that a majority of the votes cast are in favor of annexation, the Board shall, by resolution, annex the territory, city, or town to the District, and the annexation shall be incontestable after that time except in the manner and within the time for contesting elections under the Texas Election Code.

(e) The Board, in calling an election on the proposition for annexation of any territory, city, or town, may include as a part of the same proposition, or as a separate proposition, the voting of maintenance tax, or assumption of its part of the tax-supported bonds of the District then outstanding and those previously voted but not yet sold, and the levy of an ad valorem tax on taxable property in the territory along with the tax in the rest of the District for the payment thereof in which event the voting shall be restricted to resident, qualified voters.

(f) An election need not be called by the Board if the petition praying for the annexation is signed by all residents and all landowners of the territory, city, or town to be annexed, the same as provided by law for conveyance of real property. The petition must state the petitioners' approval of the levy of a maintenance tax by the District, if any, and of the assumption of their share of the outstanding bonds or other obligations and the voted but unissued bonds of the District and authorize the Board to levy a tax on their property in each year while any of the bonds or obligations payable, in whole or in part, from the taxation are outstanding, and agree to pay their share of the indebtedness. The petition shall be filed in the office of the county clerk of the county in which the District is located.

Sec. 7. The District may obtain through appropriate proceedings appropriation permits and diversion permits from the Texas Water Commission, and may acquire water appropriation permits from owners of permits through contracts or otherwise. The District may lease, purchase, or otherwise acquire rights in and to storage and storage capacity in any reservoir constructed or to be constructed by any person, firm, corporation, public agency, political subdivision, the state, or the United States or any of its agencies.

Sec. 8. (a) The District may enter into and enforce contracts and agreements for the purchase or sale of water, and for any other purpose relating to its powers, with any person, firm, corporation, public agency, political subdivision, the state, or the United States or any of its agencies. The District may acquire or construct within or without the boundaries of the District a reservoir or reservoirs, wells, and all works, plants, transmission lines, and other facilities necessary or useful for the purpose of diverting, impounding, drilling, storing, treating, and transporting water to the cities and others for municipal, domestic, agricultural, industrial, mining, oil flooding, or any other useful purposes. The District may sell water within and without the boundaries of the District and may develop or otherwise acquire underground sources of water.

(b) All public agencies and political subdivisions of the State of Texas may enter into contracts and agreements with the District for a water supply, or for any purpose relating to the District's powers or functions, on any terms and conditions to which the parties may agree. Also, each entity may lease, sell, or otherwise convey any of its land or any interest in its land to the District for the consideration agreed on between the parties to be adequate. No approval, notice, or consent, nor any election, shall be required in connection with a contract, agreement, or conveyance.

(c) The rights, powers, privileges, authority, and functions granted in this Act to the District shall be subject to the continuing right of supervision of the state, to be exercised by and through the Texas Water Rights Commission, subject to the provisions of this Act, and Section 6.074 and Chapter 50, Water Code.

Sec. 9. The District may acquire land, or any interest in land, within or without the boundaries of the District for all works, wells, plants, and other facilities necessary or useful for the purpose of drilling, diverting, impounding, storing, treating, and transporting water to the cities and others for municipal, domestic, agricultural, industrial, mining, oil flooding, and all other useful purposes. Subject to the terms of any resolution or deed of trust authorizing or securing bonds issued by the District, the District may sell, lease, rent, trade, or otherwise dispose of any property deemed by the Board not needed for District purposes.

Sec. 10. (a) For the purpose of carrying out any power or authority conferred by this Act, the District is entitled to acquire the fee simple title to land, or any other interest in land, and other property and easements, including land or any interest in land needed for reservoir and dam and flood easements above the probable high-water line around any reservoirs, within or without the boundaries of the District, by condemnation in the manner provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended, relating to eminent domain. This District is declared to be a municipal corporation within the meaning of Title 52. The amount of and character of interest in land, other property, and easements to be acquired by condemnation shall be determined by the Board. The District shall have the same power as conferred by general law on municipal utility districts and water control and improvement districts, with reference to entering land, making surveys, and attending to other business of the District.

(b) The District is given and granted all necessary or useful rights-of-way and easements along, over, under, and across all public, state, city, and county roads, highways, and places for any of its purposes, but the District shall restore any facilities used to their previous condition as nearly as possible at the sole expense of the District.

(c) In the event the District, in the exercise of its power of eminent domain or police power or any other power, requires the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph, or telephone lines, conduits, poles, properties, or facilities or pipelines, all such relocation, raising, lowering, rerouting, or changes in grade or alteration of construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of those facilities, after deducting therefrom the net salvage value derived from the old facility.

Sec. 11. Any construction contract requiring an expenditure of more than Five Thousand Dollars (\$5,000), shall be made only after publication of a notice to bidders once each week for two (2) consecutive weeks in a newspaper of general circulation in the District, before awarding the contract. The notice shall be sufficient if it states the time and place when and where the bids will be opened, the general nature of the work to be done, or the material, equipment, or supplies to be purchased, and states where the terms and conditions of bidding and copies of the plans and specifications may be obtained.

Sec. 12. (a) For the purpose of carrying out any power or authority conferred by this Act, the District may issue its negotiable bonds to be payable from and secured by revenues or ad valorem taxes, or both revenues and ad valorem taxes, of the District, in the manner and under the terms and conditions provided in the resolution authorizing the issuance of the bonds.

(b) The bonds shall be authorized by resolution of the Board and shall be issued in the name of the District, signed by the President or Vice President and attested by the Secretary and shall bear the seal of the District. However, the signatures of the President or the Vice President, or the Secretary or of both may

be printed or lithographed on the bonds if authorized by the Board and the seal of the District may be impressed on the bonds or may be printed or lithographed on the bonds. The bonds shall mature serially or otherwise in not to exceed fifty (50) years from their date and may be sold at a public or private sale, at a price and under terms determined by the Board to be the most advantageous reasonably obtainable, provided the interest cost to the District, including the discount, if any, does not exceed ten (10) percent per annum. Within the discretion of the Board, the bonds may be made callable prior to maturity at times and prices prescribed in the bonds, and may be made registrable as to principal or as to both principal and interest.

(c) The bonds may be secured by a pledge of all or any part of the revenues of the District, or by all or any part of the revenues of any one or more contracts of the District or other revenues or income specified by resolution of the Board or in any trust indenture securing the bonds. A pledge may reserve the right, under conditions therein specified, to issue additional bonds that will be on a parity with or subordinate to the bonds then being issued.

(d) The District may issue bonds payable from ad valorem taxes to be levied on all taxable property in the District, or may issue bonds secured by and payable from both taxes and revenues of the District described in Subsection (c) of this Section. If bonds are issued payable wholly or partially from ad valorem taxes, the Board shall levy a tax sufficient to pay the principal of and the interest on the bonds when due, but the rate of the tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest, to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

(e) If bonds payable wholly from revenues are issued, the Board shall fix, and from time to time revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the principal of and interest on the bonds when due, and to maintain the reserve and other funds as provided in the resolution authorizing the bonds. If bonds payable partially from revenues are issued, the Board shall fix, and from time to time revise, the rate of compensation for water sold, and any other services rendered by the District, which will be sufficient to assure compliance with the resolution authorizing the bonds or the trust indenture securing the bonds.

(f) From the proceeds from the sale of the bonds, the District may set aside an amount for the payment of interest expected to accrue during construction not to exceed three (3) years, a reserve interest and sinking fund, and any other funds provided in the resolution authorizing the bonds or in the trust indenture. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purpose for which this District is created, including expenses of issuing and selling the bonds and the amount needed to operate the District during construction of the improvements.

(g) In the event of a default or a threatened default in the payment of principal of or interest on bonds payable wholly or partially from revenues, any court of competent jurisdiction, on petition of the holders of outstanding bonds, may appoint a receiver with authority to collect and receive all income of the District, except taxes, employ and discharge agents and employees of the District, take charge of funds on hand, except funds received from taxes, unless commingled, and manage the proprietary affairs of the District without consent or hindrance by the Board. The receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with other powers and duties the court may find necessary for the protection of the holders of the

bonds. The resolution authorizing the issuance of the bonds, or the trust indenture securing them, may limit or qualify the rights of the holders of less than all of the outstanding bonds payable from the same source to institute or prosecute litigation affecting the District's property or income.

Sec. 13. The District may issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest on the bonds. The refunding bonds may be issued to refund more than one series of outstanding bonds and combine the pledges for the outstanding bonds for the security of the refunding bonds and may be secured by other or additional revenues and mortgage liens. The provisions of this Act with reference to the issuance by the District of other bonds, their security, and their approval by the attorney general and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the comptroller on surrender and cancellation of the bonds to be refunded, but in lieu thereof, the resolution authorizing their issuance may provide that they shall be sold and the proceeds deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay all principal coming due, all interest accruing, and any required redemption premium, on the bonds being refunded to or through any date on which they are subject to redemption prior to maturity, or through or at their maturity date or dates, respectively, and the comptroller shall register them without concurrent surrender and cancellation of the original bonds. The refunding bonds may be issued without having been authorized at an election. Refunding bonds also may be issued by the District pursuant to any other applicable law.

Sec. 14. Any bonds, including refunding bonds, authorized by this Act, not payable wholly from ad valorem taxes, may be additionally secured by a trust indenture under which the trustee may be a bank having trust powers situated either within or without the state. The bonds, within the discretion of the Board, may be additionally secured by a deed of trust or mortgage lien on physical properties of the District, and all franchises, easements, water rights and appropriation permits, leases, and contracts, and all rights appurtenant to those properties, vesting in the trustee power to sell the properties for the payment of indebtedness, power to operate the properties, and all other powers and authority for the further security of the bonds. The trust indenture, regardless of the existence of the deed of trust or mortgage lien on the properties, may contain any provision prescribed by the Board for the security of the bonds and the preservation of the trust estate and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds and may condition the right to expend District money or sell District property on approval of a registered professional engineer selected as provided therein, and may make provision for the investment of funds of the District. Any purchaser under a sale under the deed of trust lien where one is given, shall be the absolute owner of properties, facilities, and rights purchased and shall have the right to maintain and operate them.

Sec. 15. (a) No bonds payable wholly or partially from ad valorem taxes, except refunding bonds, shall be issued unless authorized at an election at which only the qualified electors who reside in the District are allowed to vote and unless a majority of the votes cast is in favor of the issuance of the bonds. No territory may be detached from the District after the issuance of bonds which are payable from revenues or taxes or both. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Elections may be called by the Board without a petition. The resolution calling an election shall specify the time and place or places of holding the election, the purpose for which the bonds are to be issued, the amount of the

bonds, the form of the ballot, and other matters deemed necessary or advisable by the Board. Notice of the election shall be given by publishing a substantial copy of the resolution calling the election in a newspaper with general circulation in the District, once each week for two (2) consecutive weeks, with the first publication to be at least fourteen (14) days prior to the election.

(c) The returns of the election shall be made to and canvassed by the Board.

(d) The Texas Election Code and general laws relating to elections shall be applicable to elections held under this Section, except as otherwise provided in this Act.

(e) Before the District shall issue any bonds for improvements, it shall secure prior approval from the Texas Water Commission as provided by Section 51.421, Water Code.

Sec. 16. After any bonds, including refunding bonds, are authorized by the District, the bonds and the proceedings relating to their issuance shall be submitted to the attorney general for his examination as to their validity. If the bonds recite that they are secured by a pledge of the revenues or proceeds of a contract previously made between the District and any city, other public agency, political subdivision, or other entity, a copy of the contract and the proceedings of the city, other public agency, political subdivision, or other entity, authorizing the contract also shall be submitted to the attorney general. If he finds that the bonds have been authorized and the contracts have been made in accordance with the Constitution and laws of this state, he shall approve the bonds and the contracts, and the bonds then shall be registered by the comptroller of public accounts. Thereafter, the bonds and the contracts, if any, shall be valid and binding obligations in accordance with their terms for all purposes and shall be incontestable in any court or other forum for any reason.

Sec. 17. The District may enter into contracts with cities and others, including specifically the City of Big Lake, for supplying water to them. The District also may contract with any city, public agency, or political subdivision for the rental or leasing of or for the operation of the water production, water supply, water filtration or purification, or water supply facilities of that entity on consideration to which the District and the entity may agree. A contract may be on terms and for the time on which the parties may agree and may provide that it shall continue in effect until bonds specified in the contract and refunding bonds issued in lieu of those bonds are paid. Furthermore, the District may contract with the city for the operation of the District's water facilities by the city. No election shall be required in connection with the contract.

Sec. 18. The Board shall designate one or more banks within or without the District to serve as depository for the funds of the District. All funds of the District shall be deposited in the depository bank or banks, except that bond proceeds and funds pledged to pay bonds may, to the extent provided in any resolution or trust indenture authorizing or securing bonds of the District, be deposited with any other bank or trustee named in the bond resolution or trust indenture, and except that funds shall be remitted to each paying agent for the payment of principal of and interest on the bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the Federal Deposit Insurance Corporation, they shall be secured in the manner provided by law for the security of city funds. The Board may invest District funds in obligations and make time deposits of District funds, in the manner determined by the Board or in the manner permitted or required in any resolution or trust indenture authorizing or securing bonds of the District.

Sec. 19. All bonds of the District shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, building and

loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. The bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas, and the bonds shall be lawful and sufficient security for those deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

Sec. 20. The accomplishment of the purposes stated in this Act is for the benefit of the people of this state and for the improvement of their properties and industries, and the District, in carrying out the purposes of this Act, will be performing an essential public function under the Constitution. The District shall not be required to pay any tax or assessment on its facilities or any part thereof, and the bonds issued thereunder and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this state.

Sec. 21. (a) The tax rolls of Reagan County are adopted and shall constitute the tax rolls of the District until assessment and tax rolls are made by the District.

(b) If the District issues and delivers bonds that are payable wholly or partially from ad valorem taxes, the Board annually shall have the taxable property in the District rendered and assessed for ad valorem taxation, the value of such taxable property equalized, and the ad valorem taxes in the District collected, in accordance with any of the methods set forth in this Section. Any method adopted shall remain in effect until changed by the Board.

(c) The laws of this state relating to ad valorem taxation applicable to general law cities and towns may be adopted and shall be used to the extent pertinent and practicable. The laws of this state relating to ad valorem taxation applicable to counties may be adopted and shall be used to the extent pertinent and practicable, provided the Board may act as its own board of equalization or may appoint three (3) resident, qualified electors of the District who own taxable property in the District to act as the board of equalization of the District, and in either case, the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(d) The Board may have the taxable property in the District assessed, its values equalized, and its taxes collected, in whole or in part, by the tax assessors, board of equalization, and tax collectors, respectively, of any county, city, taxing district, or other governmental subdivision in which all or any part of the District is located. The property may be assessed and the values of the property equalized on the same basis or a different basis than that used by the governmental subdivision. The property shall be assessed, the values of the property equalized, and the taxes collected, in the manner and for the compensation agreed on between the appropriate parties, and the functions thus assumed by the officials of any governmental subdivision shall be additional duties pertaining to their offices, respectively. The ad valorem tax law applicable to each governmental subdivision shall apply to its officials in carrying out those functions for the District.

(e) It is specifically provided that under any method used, all taxable property within the District shall be assessed on the same basis and the values of the taxable property shall be equalized by only one board of equalization, in an equal and uniform manner, as required by the Constitution. If the Board desires that taxable property be assessed and taxes collected by the tax assessors and collectors of more than one governmental subdivision, the Board shall either act

as its own board of equalization or appoint three (3) resident, qualified electors of the District who own taxable property in the District to act as the board of equalization, and in either case the board of equalization shall qualify and perform the duties prescribed by law for county commissioners courts acting as boards of equalization.

(f) Any other method or procedure authorized or permitted by any other statute of the state may be adopted, in whole or in part, to the extent pertinent and practicable.

Sec. 22. (a) This Act shall be wholly sufficient authority within itself for the issuance of the bonds, the execution of contracts, and conveyances, and the performance of the other acts and procedures authorized by the District, and other public agencies and political subdivisions, without reference to any other law or any restrictions or limitations contained in any other law, except as specifically provided in this Act, and if any bonds are being issued or other action taken under this Act, then to the extent of any conflict or inconsistency between any provisions of this Act and any provisions of any other law, the provisions of this Act shall prevail and control; provided, however, that the District, and all other public agencies and political subdivisions, shall have the right to use the provisions of any other laws, not in conflict with the provisions of this Act, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act.

(b) No director shall be liable personally for any bonds issued or contracts executed by the District.

~~[Sec. 5. The District is hereby authorized and empowered to issue bonds in an amount not exceeding Eight Hundred and Fifty Thousand Dollars (\$850,000), and such bonds, if issued, shall be authorized and issued for the purposes and in the manner provided by the general laws governing the issuance of bonds by water control and improvement districts. The bonds of the District may be refunded in the manner provided by the general laws governing water control and improvement districts.]~~

~~[Sec. 6. All taxes hereafter levied by the District shall be on the ad valorem basis and no hearing shall be required on a plan of taxation. The District shall use for tax purposes the same valuations for the property within the District as that carried on the county tax rolls for such purpose.]~~

~~[Sec. 6a. All bonds issued by this District shall be secured by both ad valorem taxes and revenues as provided for by the general laws of this State now in force or hereafter enacted applicable to water control and improvement districts created under authority of Section 59, Article 16, of the Constitution of Texas, and said bonds and refunding bonds shall be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas in the manner prescribed by said general laws.]~~

~~[Sec. 7. The bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.]~~

~~[Sec. 8. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State and for the improvement of their~~

~~properties and industries, the District in carrying out the purposes of this Act will be performing an essential public function under the Constitution and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and the income therefrom, including the profits made on the sale thereof shall at all times be free from taxation within this State.~~

~~[Sec. 9. In the event it becomes necessary in the exercise of the powers conferred by this Act that any railroad line or right of way should be relocated, the cost of such relocation and any actual and reasonable damage incurred in changing and adjusting the lines and grades of such railroad shall be paid by the District.~~

~~[Sec. 10. The Legislature hereby exercises the authority conferred upon it by Section 59, Article 16, of the Constitution, and declares that the District created by this Act is essential to the accomplishment of the purposes of said Constitutional provisions, finds that all of the land included therein will be benefited thereby, and declares the District to be a governmental agency, a body politic and corporate, and a municipal corporation.~~

~~[Sec. 11. If any provisions of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.~~

~~[Sec. 12. The fact that the creation of said District will result in material benefits to the State of Texas and to the territory included in such District and will promote effectively the conservation of water of the State of Texas, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended, and such Rule is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.]~~

SECTION 2. Proof of publication of the constitutional notice required in the enactment hereof under the provisions of Article XVI, Section 59(d), of the Texas Constitution, has been made in the manner provided therein and a copy of said notice and the bill as originally introduced have been delivered to the governor of the State of Texas and to the commissioners court of the county in which said district is located and to the governing body of each incorporated city or town in whose jurisdiction said district or any part thereof is or will be located as required in such constitutional provision, and such notice and delivery are hereby found and declared to be proper and sufficient to satisfy such requirements.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Snelson moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Braecklein.

CONFERENCE COMMITTEE ON HOUSE BILL 1418

Senator Short called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 1418** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 1418** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Short, Williams, Vale, Price and Kothmann.

**VOTE ON FINAL PASSAGE OF SENATE BILL 1176
RECONSIDERED**

On motion of Senator Jones of Harris and by unanimous consent, the vote by which **S.B. 1176** was finally passed was reconsidered.

Question - Shall **S.B. 1176** be finally passed?

SENATE BILL 1176 ON THIRD READING

On motion of Senator Jones of Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its final passage:

S.B. 1176, Relating to the gulfward boundaries of counties, cities, towns or villages on the Gulf of Mexico.

Senator Schwartz offered the following amendment to the bill:

Amend **S.B. 1176** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 11.013. Chapter 11, Title 2, Natural Resources Code, is amended to read as follows:

"Section 11.013. Gulfward Boundaries of Counties, Cities, Towns or Villages

(a) The gulfward boundary of each county located on the coastline of the Gulf of Mexico is the Three Marine League line as determined by the United States Supreme Court.

(b) The area in the extended boundaries of the counties as provided in this section becomes a part of the public free school land and is subject to the constitutional and statutory provisions of this state pertaining to the use, distribution, sale and lease of public free school land in this state.

(c) The gulfward boundaries of any city, town or village created and operating under the general laws of the State of Texas shall not be established or extended, by incorporation or annexation, more than 5,280 feet gulfward beyond the coast line, and any inclusion of territory in any such city, town or village more than 5,280 feet gulfward beyond the coast line is void. The term "coast

line" as used in this subsection means the line of mean low tide along that portion of the coast which is in direct contact with the open Gulf of Mexico. The term "city, town or village created and operating under the general laws of the State of Texas" shall not include any city operating under a Home Rule Charter.

If any such general law city, town or village has heretofore been established by incorporation or attempted incorporation more than 5,280 feet gulfward beyond the coast line, the corporate existence of such general law city, town or village is in all things validated, ratified, approved and confirmed;

the boundaries of such general law city, town or village, including the gulfward boundaries to the extent of 5,280 feet gulfward beyond the coast line, are in all things validated, ratified, approved and confirmed and shall not be held invalid by reason of the inclusion of more territory than is expressly authorized in Article 971, Vernon's Texas Civil Statutes, as amended, or by reason of the inclusion of territory other than that which is intended to be used for strictly town or city purposes as required by Article 1134 of the Revised Civil Statutes of Texas or by reason of not constituting a city, town or village.

Neither this Act, nor the general laws nor the special laws of the State shall have the effect of validating, ratifying, approving or confirming the inclusion of territory in any such general law city, town or village more than 5,280 feet gulfward beyond the coast line.

If, for any reason, it should be determined by any court of competent jurisdiction that any such general law city, town or village has heretofore been incorporated in violation of the laws of the State in effect as of the date of such incorporation or is invalid, the corporate boundaries of any such general law city, town or village shall be revised and reformed to exclude all territory more than 5,280 feet gulfward of the coast line.

Sec. 2. If any provisions of this Act or its application to any person or circumstance is held to be invalid for any reason, the invalidity does not affect any other provision or application of this Act which can be given effect without the invalid provision or applications, and to this end the provisions of this Act are declared to be severable.

Sec. 3. This Act applies to any litigation pending on the date this Act takes effect which questions the validity of the incorporation, boundaries or governmental proceedings or acts of any city town or village and shall be applied thereto and determinative thereof.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by unanimous consent.

The bill as amended was then again finally passed by the following vote:
Yeas 30, Nays 0.

Absent-excused: Braecklein.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 171
H.B. 12
H.B. 43
H.B. 952
S.C.R. 29
S.C.R. 46
S.C.R. 74
S.B. 21
S.B. 114
S.B. 131
S.B. 358
S.B. 390
S.B. 527
S.B. 548
S.B. 557
S.B. 620
S.B. 649
S.B. 843
S.B. 890
S.B. 1025
S.B. 1035

SENATOR ANNOUNCED PRESENT

Senator Braecklein who had previously been recorded as "Absent-Excused" was announced "Present".

SENATE RULE 74(a) SUSPENDED

On motion of Senator Creighton and by unanimous consent, Senate Rule 74(a) was suspended as it relates to the House amendment to **S.B. 123**.

SENATE BILL 123 WITH HOUSE AMENDMENT

Senator Creighton called **S.B. 123** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1 - Allred

Amend Senate Bill No. 123 by inserting in Section 2(d), on page 3, lines 17 and 18, between the words "court," and "which" the words, "which shall not exceed 90 percent of the amount paid district judges from the General Revenue Fund of the state and".

The amendment was read.

Senator Creighton moved to concur in the House amendment.

The motion prevailed.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 7 ON
SECOND READING**

The President laid before the Senate on its second reading and passage to engrossment the following resolution (The resolution with an amendment pending by Senator Schwartz and consideration having been postponed until 11:30 o'clock a.m. today):

C.S.S.J.R. 7, To repeal and prohibit all state ad valorem taxes on any property within this State by amending Article VIII, Section 1-e; amending Article VII, Section 17 to establish the State Higher Education Assistance Fund, and amending Article VII, Section 18 relating to the Permanent University Fund.

Question - Shall the pending amendment by Senator Schwartz be adopted?

Senator Jones of Taylor offered the following amendment to the pending amendment by Senator Schwartz:

Amend CSSJR 7 as follows: on p 5 by striking the name "Texas A&M University at Galveston" and substituting therein the name "Moody College"

JONES OF TAYLOR
MOORE

The amendment to the pending amendment was read.

On motion of Senator Schwartz, the amendment to the pending amendment was tabled by the following vote: Yeas 21, Nays 8, Present-Not voting 1.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Howard, Jones of Harris, Kothmann, Longoria, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Blake, Creighton, Harris, Jones of Taylor, Mauzy, Meier, Moore, Price.

Present-Not voting: Snelson.

Absent: McKnight.

Question - Shall the pending amendment as amended be adopted?

Pending discussion of the adoption of the amendment as amended, Senator McKnight occupied the Chair.

(President in Chair)

Question - Shall the pending amendment as amended be adopted?

**MOTION RELATIVE TO
LOCAL AND UNCONTESTED CALENDAR PROCEDURE**

Senator Howard made the following motion:

I move that the bills and resolutions listed on the Local and Uncontested Calendar be set as Special Order for 1:30 o'clock p.m. today and considered in the order listed, with the understanding that a bill or resolution removed from the Calendar will not be considered. I further move that the Three-Day Rule be suspended with respect to bills on the Local and Uncontested Calendar that are engrossed today.

The motion prevailed by the following vote: Yeas 31, Nays 0.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Howard in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 16**. (Bills having been set as Special Order and Constitutional Three-Day Rule suspended by vote of 31-0 on May 7, 1979)

The following bills were laid before the Senate, read second time, passed to engrossment, amended (where applicable), read third time and passed. (Sponsor and vote on final passage indicated after caption of each bill. When amended, vote on final passage follows the amendment.)

C.S.S.B. 252 (Brooks) Relating to jurisdiction over industrial waste control. (31-0)

C.S.S.B. 446 (Schwartz) Providing for the appointment and compensation of public defenders in certain counties. (31-0)

S.B. 450 (Santisteban) Relating to conduct which is lewd, immoral or offensive to public decency. (vv)

S.B. 519 (Ogg) Relating to the continuing legal education of municipal court judges.

Senator Ogg offered the following committee amendment to the bill:

Amend SB 519 by renumbering Section 3 of the bill as Section 4 and by adding a new Section 3 to read as follows:

"Sec. 3. This Act shall take effect on January 1, 1980."

The committee amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

C.S.S.B. 520 (Ogg) Creating special funds in the State treasury to be used for education of justices of the peace and municipal court judges. (31-0)

S.B. 648 (Santisteban) Relating to compensation of district court judges in El Paso County. (31-0)

C.S.S.B. 692 (Creighton) Relating to a student fee for the Tarleton State University Student Center.

Senator Creighton offered the following amendment to the bill:

Amend the Committee Substitute for Senate Bill No. 692 by amending the second sentence of Subsection (a) of Article 87.004 to read as follows:

“The activities of the student center financed in whole or part by the student center fee shall be limited to those activities in which the entire student body is eligible to participate and in no event shall any of the activities so financed be held outside the territorial limits of Tarleton State University.”

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

C.S.S.B. 825 (Ogg) Relating to the regulation of the automobile salvage business. (31-0)

C.S.S.B. 826 (Ogg) Relating to the sale of a motor vehicle or part of a motor vehicle with an altered identification number. (31-0)

S.B. 964 (Doggett) Relating to protests against zoning changes. (31-0)

C.S.S.B. 1017 (Howard) Relating to cooperation between the Public Utility Commission and utility regulation commissions of other states. (31-0)

S.B. 1112 (Ogg) Relating to transcription of proceedings affecting the parent-child relationship in Harris County. (vv)

S.B. 1199 (Traeger) Relating to the hunting of predators from aircraft in Starr County. (31-0)

S.B. 1201 (Ogg) Relating to importation of wine for personal use.

Senator Ogg offered the following committee amendment to the bill:

Amend SB 1201 by striking line 7 of the bill and substituting in lieu thereof the following:

“liquor other than wine and/or 6 gallons of wine for his own”

The committee amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 1202 (Meier) Relating to issuance of a search warrant for evidence of a crime.

Senator Meier offered the following committee amendment to the bill:

Amend Senate Bill 1202 at line 17 by adding the words “statutory county court,” after the word “a” and before the word “district”.

The committee amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 1204 (Schwartz) Relating to the deposit of public funds of certain counties.

Senator Schwartz offered the following committee amendment to the bill:

Amend Senate Bill 1204, Section 1, Line 3 after "to" by striking the word "inter" and inserting in lieu thereof "enter".

The committee amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.B. 1211 (Tracger) Relating to the undertaking and financing of certain municipal public works or improvements in areas in need of rehabilitation. (31-0)

S.B. 1226 (Farabee) Providing for payment of travel costs for members of advisory committees of the Board of Mental Health and Mental Retardation. (31-0)

S.B. 1227 (Farabee) Providing for venue of temporary hospitalization proceedings in counties where a proposed patient is hospitalized by court order. (31-0)

S.B. 1228 (Farabee) Providing for payment of the cost of an independent diagnosis and evaluation of persons covered by the Mentally Retarded Persons Act. (31-0)

C.S.S.B. 1245 (Farabee) Relating to a university center fee for Midwestern State University. (31-0)

C.S.S.B. 1249 (Doggett) Relating to the regulation of the sales, servicing, installation and maintenance of fire and burglar alarms and detection devices.

Senator Brooks offered the following amendment to the bill:

Amend CSSB 1249 by striking all below the enacting clause and inserting in lieu thereof the following:

SECTION 1. Article 5.43-2, Insurance Code, as amended, is amended to read as follows:

Art. 5.43-2. **FIRE DETECTION AND ALARM DEVICES**

Sec. 1. **PURPOSE.** The purpose of this article ~~[Act]~~ is to regulate the sales, servicing, installation, and maintenance of fire detection and fire alarm devices and systems in the interest of safeguarding lives and property.

Sec. 2. **DEFINITIONS.** As used in this article ~~[Act]~~:

(1) "Person" means a natural person, including an owner, manager, officer, employee, occupant, or individual.

(2) "Organization" means a corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, firm or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(3) "Advisory council" means a group of five individuals experienced and knowledgeable in one or more of the following areas: sale, installation, maintenance, or manufacturing of fire alarm or detection systems, electrical engineering, fire services or be a member of a fire protection association which is to be appointed by the State Board of Insurance.

- (4) "Board" means the State Board of Insurance.
- (5) "Sale" means sale or offering for sale, lease, or rent any merchandise, equipment, or service at wholesale or retail, to the public or any person, for an agreed sum of money or other consideration.
- (6) "Installation" means the initial placement of equipment and/or the extension, modification, or alteration of equipment already in place.
- (7) "Approval, approved" means that equipment which has been tested or listed by a nationally recognized [fire] testing laboratory such as but not limited to Underwriters' Laboratories, Incorporated, or Factory Mutual Research Corporation, or has gained specific written approval for the use intended by the state marshal.
- (8) "Maintenance" means to maintain in a condition of repair that will allow performance as originally designed or intended.
- (9) "Service, servicing" means any charging, recharging, maintaining, repairing, testing, or installing.
- (10) "Fire detection device" means any arrangement of materials, the sole function of which is to provide indication of fire, smoke, or combustion in its incipient stages.
- (11) "Fire alarm device" means any device capable, through audible and/or visible means, of sounding a warning that fire or combustion has taken or is taking place.
- (12) "Fire alarm installation superintendent" means an individual or individuals who shall be designated by each company that sells, services, installs, or maintains a fire alarm or detection system to inspect and certify that each fire alarm or detection system as installed meets the standards as provided for by law.

Sec. 3. EXCEPTIONS. (a) The provisions of this article [Aet] and the rules and regulations promulgated under this article [Aet] shall have uniform force and effect throughout the state and no municipality or county shall hereinafter enact any ordinances, rules, or regulations inconsistent with the provisions of this article [Aet] or rules and regulations promulgated pursuant to this article [Aet]. Provided, however, that any municipality or county ordinances, rules, or regulations in force or effect on the effective date of this article [Aet] shall not be invalidated because of any provision of this article [Aet].

(b) This article [~~Provided further that the provisions of this Aet~~] shall not apply to:

(1) the sale, offer for sale, or installation of [~~approved~~] fire detection devices or [~~approved~~] fire alarm devices that are not specifically required by Chapters 8 through 16, Life Safety Code, National Fire Protection Association Standard, No. 101, 1976 edition [~~designed for and installed in other than commercial, business, or public buildings~~];

(2) a person or organization in the business of building construction that installs electrical wiring and devices that may include in part the installation of a fire alarm or detection device if:

(A) the person or organization is a party to a contract that provides that the installation will be performed under the direct supervision of and inspected and certified by a person or organization licensed to install and certify such an alarm or detection device and that the licensee assumes full responsibility for the installation of the alarm or detection device; and

(B) the person or organization does not sell, service, or maintain fire alarms or detection devices; or

(3) a person or organization that owns and installs fire detection or fire alarm devices on the person's or organization's own property or, if the person or organization does not charge for the device or its installation, installs it for the

protection of the person's or organization's personal property located on another's property and does not install the devices as a normal business practice on the property of another;

(4) a person or organization that sells fire detection or fire alarm devices if the sales are exclusively over-the-counter or by mail order and if the person or organization does not install, service, or maintain this equipment; or

(5) response to a fire alarm or detection device by a law enforcement agency or fire department or by a law enforcement officer or fireman acting in an official capacity.

Sec. 4. ADMINISTRATION. The board shall administer this article ~~(the Act)~~ and it may issue rules and regulations which it considers necessary to its administration through the state fire marshal. The board, in promulgating necessary rules and regulations, may utilize recognized standards such as, but not limited to, those of the National Fire Protection Association, the National Electrical Code, those recognized by federal law or regulation, those published by any nationally recognized standards-making organization, or any information furnished by individual manufacturers. Also, the board may issue necessary rules and regulations for protection of life and property, after due notice and hearing.

Sec. 5. REGISTRATION AND LICENSING. (a) Each organization engaged in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices shall have a certificate of registration issued by the board. The initial fee for the certificate of registration is \$250 and the renewal fee for each year thereafter is \$250 ~~[\$150]~~.

(b) Each separate office location of an organization engaged in the act of selling, leasing, servicing, maintaining, or installing fire detection or fire alarm devices or systems, other than the location identified on the certificate of registration, shall have a branch office registration certificate, issued by the board. The initial fee for this branch office registration certificate is \$75 ~~[\$50]~~ and the renewal fee for each year thereafter is \$75 ~~[\$50]~~. The board shall identify each branch office location as a part of a registered organization before a branch office registration certificate may be issued.

(c) Each fire alarm installation superintendent must obtain a license issued by the board. The initial fee for the license is \$50 ~~[\$25]~~ and the renewal fee for each year thereafter is \$50 ~~[\$15]~~.

(d) No person may inspect with the intention of certifying any fire alarm or fire detection system or device unless he is the holder of a valid and current license issued pursuant to this article ~~[Act]~~.

(e) A person licensed pursuant to this article ~~[Act]~~ to inspect and certify a fire alarm or fire detection system or device shall be an employee or agent of an organization that holds a valid and current certificate of registration issued pursuant to this article ~~[Act]~~.

(f) A person who sells, services, installs, or maintains fire alarm systems or fire detection devices shall be an employee or agent of an organization that holds a valid certificate of registration issued pursuant to this article ~~[Act]~~.

Sec. 5A. EXPIRATION DATES OF LICENSES. (a) Each renewal of a license issued under this article is valid for a period of two years. The total license fee for both years is payable on renewal.

(b) The State Board of Insurance by rule may adopt a system under which the licenses issued under this article expire on various dates during the year. For the year in which the expiration date is changed, license fees payable on the date of issuance shall be prorated on a monthly basis so that each licensee shall pay only that portion of the license fee that is applicable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license fee is payable.

Sec. 5B. REQUIRED BOND AND INSURANCE. (a) The board may not issue a license under this article unless the applicant files with the board:

(1) a surety bond executed by a surety company authorized to do business in this state in the sum of \$10,000 conditioned to compensate for damages caused by wrongful or illegal acts of the principal or the principal's servant, officer, agent, or employee in conducting the business licensed under this article or, instead of the surety bond, the applicant may deposit with the state a sum of \$10,000 in cash;

(2) proof of a policy of public liability insurance in an amount that is not less than \$50,000 conditioned to compensate any person for damages, including but not limited to bodily injuries, caused by the wrongful acts of the principal or the principal's servant, officer, agent, or employee in the conduct of any business licensed under this article; and

(3) proof of a policy of public liability insurance conditioned to pay on behalf of the principal all sums that the principal becomes legally obligated to pay as damages because of injury caused by an occurrence involving the principal or the principal's servant, officer, agent, or employee in the conduct of any business licensed under this article.

(b) The limits of insurance coverage required by Subsection (a)(3) of this section may not be less than:

(1) \$50,000 for bodily injury;

(2) \$25,000 for property damage; and

(3) \$50,000 for personal injury.

(c) The policies of public liability insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business in the state and countersigned by a local recording agent licensed in the state. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by a 10-day notice to the board.

(d) The applicant shall make the required surety bond payable to the state. Anyone injured by the principal or by the principal's servant, officer, agent, or employee may sue directly on the bond. The bond is subject to successive suits for recovery until the face amount of the bond is completely exhausted. Bonds executed and filed with the board under this section remain in force until the surety has terminated future liability by a 30-day notice to the board.

(e) Each licensee, at all times, shall maintain in force and on file with the board the surety bond and certificates of insurance required by this section. If the licensee fails to do so, the board shall immediately suspend the license and may not reinstate it until an application, in the form prescribed by the board, is filed with a proper bond and proper insurance certificates. The board may deny such an application if:

(1) the board finds a reason that justifies:

(A) refusal to issue a license; or

(B) suspension or revocation of a license; or

(2) while under suspension for failure to keep the bond or insurance certificate in force, the applicant performs a practice for which a license under this article is required.

(f) A person who, on September 1, 1979, holds a valid license issued under this article shall, before November 1, 1979, comply with the requirements of this section applicable to applicants for licenses. If the person does not do so, the board shall suspend the license until the person complies with those requirements.

(g) For a person who is licensed to install or service burglar alarms under the Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), compliance with the bond and

insurance requirements of that Act constitutes compliance with the bond and insurance requirements of this section.

Sec. 6. POWERS AND DUTIES OF THE STATE BOARD OF INSURANCE. The board shall delegate authority to exercise all or part of its functions, powers, and duties under this article [Act], including the issuance of certificates, to the state fire marshal, and the state fire marshal along with assistance of a nonbinding advisory council to be appointed by the board shall implement such rules and regulations as may be determined by the board to be essentially necessary for the protection and preservation of life and property in controlling:

(1) the registration of organizations engaging in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices and systems;

(2) the requirements for the sale, service, insallation, or maintenance of fire alarm or fire detection devices or systems by:

(A) conducting examinations and evaluating the qualifications of applicants for a certificate of registration to engage in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices and systems;

(B) evaluating and determining which organizations shall be approved as testing laboratories for fire alarm and fire detection devices and systems; and

(C) evaluating and approving a required training program for all persons who engage in the business of selling, servicing, installing, or maintaining fire alarm or fire detection devices and systems.

Sec. 7. CERTAIN ACTS PROHIBITED. No organization pursuant to this article [Act] may do any of the following:

(1) sell, service, install, or maintain fire alarm or fire detection devices and systems without a valid and current certificate of registration;

(2) obtain or attempt to obtain a certificate of registration by fraudulent representation; or

(3) sell, service, install, or maintain fire alarm or fire detection devices or systems contrary to the provisions of this article [Act] or the rules and regulations formulated by the board under the authority of this article [Act].

Sec. 8. FEES COLLECTED. The fees herein provided for, when collected, shall be placed with the State Treasurer in a separate fund, which shall be known as the fire alarm and detection systems fund, and expenditures shall be made from said fund as set forth in the General Appropriations Act.

Sec. 9. SELLING OR LEASING FIRE ALARM OR FIRE DETECTION DEVICES. (a) No device or alarm, the sole intended purpose of which is to detect and/or give alarm of fire, may be sold, offered for sale, leased, or installed in this state unless it carries a label of approval of a nationally recognized testing laboratory or a laboratory approved by the fire marshal.

(b) No fire detection or fire alarm device may be sold or installed in this state unless accompanied by printed information supplied to the owner by the supplier or installing contractor concerning:

(1) instructions describing the installation, operation, testing, and proper maintenance of the device;

(2) information which will aid in establishing an emergency evacuation plan for the protected premises; and

(3) the telephone number and location, including notification procedures, of the nearest fire department.

Sec. 10. APPLICATIONS AND HEARINGS ON LICENSES AND CERTIFICATES. (a) Applications and qualifications for certificates issued hereunder shall be made pursuant to rules and regulations adopted by the board.

(b) The board may, through the State Fire Marshal, conduct hearings or proceedings concerning the suspension, revocation, or refusal of the issuance or renewal of certificates of registration or approvals of testing laboratories issued under this article [Aet] or the application to suspend, revoke, refuse to renew, or refuse to issue the same.

(c) A certificate of registration or testing laboratory approval may be denied, or same duly issued may be suspended or revoked, or the renewal thereof refused, if after notice and public hearing, the board, through the State Fire Marshal, finds from the evidence presented at said hearing that one or more provisions of this article [Aet] or of any rule or regulation promulgated under this article [Aet] has been violated.

Sec. 11. PENALTIES. (a) Any person who individually, or as an employee or agent of an organization, violates any of the provisions of this article [Aet] or order of the board made in accordance with this article [Aet], shall forfeit to the people of the state a sum not to exceed \$500 for each such violation, which may be recovered by a civil action.

(b) In addition to any other penalties, any person of an organization who performs a function that requires a certificate of registration as described herein without first obtaining such certificate of registration commits a Class B misdemeanor.

SECTION 2. Section 2(5), Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(5) "Alarm systems company" means any person that sells, installs, services, or responds to burglar alarm signal devices, burglar alarms, television cameras, still cameras or any other electrical, mechanical, or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, [fire,] and other losses of that type.

SECTION 3. Section 3(a), Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(a) This Act does not apply to:

(1) a person employed exclusively and regularly by one employer in connection with the affairs of an employer only and where there exists an employer-employee relationship; provided, however, any person who shall carry a handgun in the course of his employment shall be required to obtain a private security officer commission under the provisions of this Act;

(2) an officer or employee of the United States of America, or of this State or a political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) a person who has full-time employment as a peace officer as defined by Article 2.12, Code of Criminal Procedure, 1965, who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman if such person is:

- (a) employed in an employee-employer relationship; or
- (b) employed on an individual contractual basis;
- (c) not in the employ of another peace officer; and
- (d) not a reserve peace officer;

(4) a person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness or collecting debts or ascertaining the financial responsibility of applicants for property insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;

(5) an attorney-at-law in performing his duties;

(6) admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them;

(7) a person who engages exclusively in the business of repossessing property that is secured by a mortgage or other security interest;

(8) a locksmith who does not install or service detection devices, does not conduct investigations, and is not a security service contractor;

(9) a person who owns and installs burglar detection or alarm devices on his own property or, if he does not charge for the device or its installation, installs it for the protection of his personal property located on another's property, and does not install the devices as a normal business practice on the property of another;

(10) an employee of a cattle association who is engaged in inspection of brands of livestock under the authority granted to that cattle association by the Packers and Stockyards Division of the United States Department of Agriculture;

(11) the provisions of this Act shall not apply to common carriers by rail engaged in interstate commerce and regulated by state and federal authorities and transporting commodities essential to the national defense and to the general welfare and safety of the community;

(12) registered professional engineers practicing in accordance with the provisions of the Texas Engineering Practice Act;

(13) a person whose sale of burglar alarm signal devices, burglary alarms, television cameras, still cameras, or other electrical, mechanical, or electronic devices used for preventing or detecting burglary, theft, shoplifting, pilferage, ~~[fire, smoke,]~~ or other losses is exclusively over-the-counter or by mail order;

(14) a person or organization in the business of building construction that installs electrical wiring and devices that may include in part the installation of a burglar alarm or detection device if:

(A) the person or organization is a party to a contract that provides that the installation will be performed under the direct supervision of and inspected and certified by a person or organization licensed to install and certify such an alarm or detection device and that the licensee assumes full responsibility for the installation of the alarm or detection device; and

(B) the person or organization does not service or maintain burglar alarms or detection devices; or

(15) response to a burglar alarm or detection device by a law enforcement agency or by a law enforcement officer acting in an official capacity.

SECTION 4. Section 3(c), Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(c) Except as otherwise specifically provided in this subsection, no city, county, or other political subdivision of this State shall impose any charge, service charge, fee, or any other type of payment for the use of city, county, or other public facilities in connection with businesses or services rendered by the licensees under this Act, except that any city or town may levy and collect reasonable charges for the use of central alarm installations located in a police ~~[or fire dispatching]~~ office, that is owned, operated, or monitored by such city or town. Provided further, that any city or town may require discontinuation of service of any alarm signal device which, because of mechanical malfunction or faulty equipment, causes at least five false alarms in any 12-month period. Such city or town may cause the disconnection of any such device until the same is repaired to the satisfaction of the appropriate municipal official, and the city or town may levy and collect reasonable inspection and reinspection fees in connection therewith. "Mechanical malfunction" and "faulty equipment" shall

not relate, for the purposes of this section, to false alarms caused by human error or an act of God.

SECTION 5. This Act takes effect September 1, 1979.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (vv)

S.B. 1256 (Jones of Taylor) Relating to state liability for and defense of causes of action against certain medical, psychological and psychosocial consultants.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amends Senate Bill 1256 at Page 2, Line 5 by substituting for the word "psychosocial" the words "social psychotherapist."

The committee amendment was read and was adopted.

Senator Jones of Taylor offered the following amendment to the bill:

Amend Senate Bill 1256 by striking Section 1, (2), (b) and substituting the following in lieu thereof:

(b) The State of Texas is liable for and shall pay actual damages, court costs, and attorney fees adjudged against a medical or psychological consultant or social psychotherapist to a state agency, institution, or department where the damages are based on an act or omission by the consultant in the course and scope of duties performed under a written contract with the institution, department, or agency and:

The amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

S.C.R. 85 (Ogg) Granting Utility Contractors, Inc., permission to sue the State of Texas. (vv)

S.R. 462 (Kothmann) Creating a special interim committee to study security problems at the San Antonio State Hospital. (vv)

H.B. 20 (Jones of Harris) Relating to the possession of alcoholic beverages on public school grounds.

Senator Jones of Harris offered the following amendment to the bill:

Amend **H.B. 20** by striking quoted Subsection (a) of Section 4.22 of Section 1 of the bill and substituting in lieu thereof the following:

“(a) The possession of any intoxicating beverage for consumption, sale, or distribution while on the grounds or in a building of a public elementary, junior high or senior high school or while entering or inside any enclosure, field or stadium where an athletic event[s] sponsored or participated in by a [the] public elementary, junior high or senior high school[s] of this state is [are] being held is unlawful.”

The amendment was read and was adopted.

On motion of Senator Jones of Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

H.B. 435 (Traeger) Relating to notification of appointment as an election judge. (vv)

H.B. 719 (Traeger) Relating to certification requirements for peace officers. (31-0)

H.B. 838 (Farabee) Relating to the penalties for hindering secured creditors. (vv)

C.S.H.B. 857 (Ogg) Relating to the dates on which incorporated cities and towns may hold elections. (31-0)

H.B. 862 (McKnight) Relating to employees of the State Treasurer. (31-0)

H.B. 983 (Ogg) Relating to the validity of indemnity provisions in mineral agreements. (31-0)

H.B. 993 (Traeger) Relating to health insurance coverage for certain former legislators. (31-0)

H.B. 1163 (Braecklein) Relating to the confidentiality of certain information pertaining to the mental or emotional health of an individual.

Senator Valc offered the following amendment to the bill:

Amend HB 1163 section 4(b) (5) by placing a period after the phrase “section 1 of this Act” and striking the balance of said sentence.

The amendment was read and was adopted.

On motion of Senator Braecklein and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0)

H.B. 2123 (Mauzy) Relating to service of process on nonresident employers for workers' compensation purposes. (31-0)

H.B. 2124 (Mauzy) Relating to doing business in the State for purposes of service of process on nonresidents. (31-0)

H.C.R. 79 (Truan) Memorializing Congress to maintain the operation of the Naval Air Station in Corpus Christi. (vv) Mauzy “Nay”

H.C.R. 91 (Truan) Directing the Veterans Affairs Commission to study establishing state veterans' cemeteries under new federal program. (vv)

H.C.R. 108 (Doggett) Granting Paul G. Gosselink, et al, permission to sue the State of Texas. (vv)

H.C.R. 114 (Ogg) Granting Continental Constructors, Inc., permission to sue the State of Texas. (vv)

H.C.R. 119 (Doggett) Granting C. W. Percy and Barbara Percy permission to sue the State of Texas. (vv)

H.C.R. 120 (Traeger) Granting Drew Tinsley permission to sue the State of Texas. (vv)

H.C.R. 121 (Doggett) Granting Marie Roy Brandes permission to sue the State of Texas. (vv)

H.C.R. 151 (Traeger) Granting Manuel B. Bravo, Jr., permission to sue the State of Texas. (vv)

**BILLS REMOVED FROM LOCAL AND
UNCONTESTED BILLS CALENDAR**

Bill No.	Senators Objecting
C.S.S.B. 101	Doggett, Jones of Harris, Traeger
C.S.S.B. 1248	Doggett, Jones of Harris
H.B. 436	Mauzy, Jones of Harris

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Howard) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

RECESS

On motion of Senator Moore the Senate at 1:36 o'clock p.m. recessed until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 7 ON
SECOND READING**

The Senate resumed consideration of **C.S.S.J.R. 7** with an amendment by Senator Schwartz pending.

Question - Shall the pending amendment as amended be adopted?

Question recurring on the adoption of the pending amendment as amended, the amendment was adopted.

RECORD OF VOTES

Senators Mauzy and Howard asked to be recorded as voting "Nay" on the adoption of the pending amendment as amended.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended passed to engrossment by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Howard, Jones of Taylor, Mauzy, Patman, Snelson.

Absent: Price.

**COMMITTEE SUBSTITUTE SENATE JOINT RESOLUTION 7 ON
THIRD READING**

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Kothmann, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Schwartz, Short, Traeger, Truan, Vale, Williams.

Nays: Howard, Jones of Taylor, Mauzy, Patman, Snelson.

Absent: Price.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 5. (Same as previous roll call)

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Jones of Taylor and by unanimous consent, the Senate resolved itself into the Committee of the Whole Senate in order to consider **C.S.H.B. 558**.

The President appointed Senator Jones of Taylor to serve as Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 4:28 o'clock p.m.

**COMMITTEE SUBSTITUTE HOUSE BILL 558
ON SECOND READING**

On motion of Senator Jones of Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 558, Appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government. (General Appropriation Bill)

The bill was read second time.

Senator Jones of Harris offered the following amendment to the bill:

Amend **C.S.H.B. 558** by striking item i. of number 11 under the Texas Department of Health under Article II and substituting in lieu thereof the following:

“i. Hemophilia Assistance 125,000 125,000”

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Harris, Jones of Taylor, Longoria, McKnight, Meier, Mengden, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger.

Nays: Clower, Doggett, Farabee, Howard, Jones of Harris, Kothmann, Mauzy, Ogg, Patman, Truan, Vale, Williams.

Absent: Moore.

Senator Blake offered the following amendment to the bill:

Amend Committee Substitute House Bill 558, page III - 162, Section 13 by striking and adding the following:

13. Sabine River Compact Commission:

a. ~~Commissioner's Per Diem~~ Commissioners 400 3000 400 3000

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 25, Nays 6.

Yeas: Andujar, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Blake, Clower, Doggett, Kothmann, Mengden, Patman.

Senator Kothmann offered the following amendment to the bill:

Amend C.S.H.B. No. 558, on page IV-55, by adding item 7 to the appropriation for the Texas Engineering Extension Service to read as follows:

7. For construction of the
South Central Texas Regional
Training Center at San Antonio 2,400,000 U.B.

KOTHMANN
VALE
LONGORIA
TRAEGER
TRUAN

The amendment was read.

Senator Jones of Taylor moved to table the amendment. The motion to table was lost by the following vote: Yeas 15, Nays 16.

Yeas: Blake, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Taylor, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Snelson.

Nays: Andujar, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mengden, Patman, Price, Schwartz, Short, Traeger, Truan, Vale, Williams.

Question recurring on the adoption of the amendment, the amendment was adopted by the following vote: Yeas 16, Nays 15.

Yeas: Andujar, Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Mengden, Patman, Price, Short, Traeger, Truan, Vale, Williams.

Nays: Blake, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Snelson.

Senator Truan offered the following amendment to the bill:

Amend CSHB 558 in the following respects:

1. On page II 47 under the appropriations for the Department of Human Resources increase item 3a by \$27,370,494 in 1980 and \$48,422,530 in 1981.
2. On page II 47 strike item 3b and reletter items 3c and following.
3. On page II 48 increase item 4c(1) by \$7,501,380 in 1980 and \$30,828,600 in 1981.
4. On page II 48, increase item 41 by \$470,630 in 1980 and \$1,836,450 in 1981.

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 17, Nays 14.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Taylor, McKnight, Mengden, Moore, Parker, Price, Schwartz, Short, Snelson.

Nays: Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mauzy, Meier, Ogg, Patman, Santiesteban, Traeger, Truan, Vale, Williams.

Senator Howard offered the following amendment to the bill:

Amend **C.S.H.B. 558** as follows:

1. On Page III-50 by striking the last paragraph of text, in which reference is made to certain property in Travis County.
2. Adjust all subtotals, totals, and recapitulations as necessary.

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Clower, Howard, Mengden, Patman, Vale.

Senator Howard offered the following amendment to the bill:

Amend **C.S.H.B. 558** as follows:

1. On Page III-50, by adding the following paragraph after the last paragraph of the text relating to unobligated balances:
"It is the intent of the Legislature that no funds shall be expended by the Board of Control for renovation of the S.A.M.S.Co. (Perry-Shankle) Buildings of San Antonio".
2. Adjust all subtotals, totals, and recapitulations as necessary.

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 20, Nays 11.

Yeas: Andujar, Blake, Braecklein, Brooks, Farabee, Harris, Jones of Taylor, Kothmann, Longoria, McKnight, Meier, Moore, Parker, Price, Santiesteban, Schwartz, Short, Traeger, Truan, Vale.

Nays: Clower, Creighton, Doggett, Howard, Jones of Harris, Mauzy, Mengden, Ogg, Patman, Snelson, Williams.

Senator Howard offered the following amendment to the bill:

Amend **C.S.H.B. 558** as follows:

1. On Page II-63, item 4 by striking "937,777".

2. Adjust all subtotals, totals, and recapitulations as necessary.

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 28, Nays 3.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Vale, Williams.

Nays: Doggett, Howard, Mengden.

Senator Doggett offered the following amendment to the bill:

Amend Subsection 7(b) of Section V of CSHB 558 (pg. V-34), by adding the following language:

A State employee with at least 10 years actual state employment who resigns, is dismissed, or separated from state employment shall be entitled to be paid for one-half of the employee's accumulated sick leave or for 336 hours of sick leave whichever is less. However, in institutions and agencies of higher education only regular employees shall be eligible to be paid for sick leave under this provision. For institutions and agencies of higher education, a regular employee is defined as one who is employed to work at least 20 hours per week for a period of at least four and one-half months, excluding students employed in positions which require student status as a condition for employment.

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Harris, Howard, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Kothmann, Truan, Vale.

Senator Clower offered the following amendment to the bill:

Amend **C.S.H.B. 558** by striking Subsection b, Section 16, page V-42, Article V of the bill and substituting in lieu thereof the following:

b. Passenger cars shall have a wheelbase of no more than 113 inches and a net SAE horsepower of no more than 145 horsepower.

The amendment was read.

On motion of Senator Jones of Taylor, the amendment was tabled by the following vote: Yeas 21, Nays 9.

Yeas: Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Taylor, Longoria, McKnight, Meier, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Jones of Harris, Kothmann, Mauzy, Mengden, Patman, Truan, Vale.

Absent: Andujar.

VOTE BY WHICH AMENDMENT ADOPTED RECONSIDERED

On motion of Senator Short, the vote by which the amendment by Senator Kothmann was adopted was reconsidered by the following vote: Yeas 16, Nays 14.

Yeas: Blake, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Taylor, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Schwartz, Short, Snelson.

Nays: Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mengden, Patman, Price, Santiesteban, Traeger, Truan, Vale, Williams.

Absent: Andujar.

Question - Shall the amendment be adopted?

Question recurring on the adoption of the amendment, the amendment failed of adoption by the following vote: Yeas 13, Nays 17.

Yeas: Brooks, Clower, Doggett, Jones of Harris, Kothmann, Longoria, Mengden, Patman, Price, Traeger, Truan, Vale, Williams.

Nays: Blake, Braecklein, Creighton, Farabee, Harris, Howard, Jones of Taylor, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Short, Snelson.

Absent: Andujar.

The bill was passed to third reading.

RECORD OF VOTE

Senator Mengden asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 558 ON THIRD READING

Senator Jones of Taylor moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 558** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Snelson, Traeger, Truan, Vale, Williams.

Nays: Howard, Mengden, Patman, Price, Short.

Absent: Andujar.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Howard, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Ogg, Parker, Santiesteban, Schwartz, Snelson, Traeger, Truan, Vale, Williams.

Nays: Clower, Jones of Harris, Mengden, Patman, Price, Short.

**COMMITTEE SUBSTITUTE SENATE BILL 1079
ON SECOND READING**

Senator Clower asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1079, Relating to the creation of a regional transportation authority in metropolitan areas; providing for elections; providing for subregional boards and an executive committee; authorizing the issuance of bonds; authorizing the levy and collection of a sales and use tax; providing for security personnel commissioned as peace officers; authorizing the adoption of rules and regulations; and declaring an emergency.

There was objection.

Senator Clower then moved to suspend the regular order of business and take up **C.S.S.B. 1079** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 5, Present-Not voting 1.

Yeas: Andujar, Blake, Brooks, Clower, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Truan, Williams.

Nays: Braecklein, Creighton, Howard, Mauzy, Vale.

Present-Not voting: Kothmann.

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend Committee Substitute Senate Bill 1079 at Section 2(6), page 1, line 55 by adding the words "or purchase" after the word "renovation" and before the word "of".

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Section 11 of **C.S.S.B. 1079** as follows:

1) Amend Section 11 of **C.S.S.B. 1079** at page 10, line 61 by adding the following new section (c) and relettering accordingly:

(c) a city of [90,000 to 100,000] according to the last preceding decennial census located in a county with a principal city having a population of less than 800,000 according to the last preceding decennial census may join a separate authority upon otherwise complying with the terms of this Act. In such event thereafter, should a separate authority be established in a county with a principal city of less than 800,000 population according to the last preceding decennial census any city within such county which has voted to participate with any authority created pursuant to this Act shall have the following options at that time: to remain a part of the earlier created authority, to join the new authority in the county in which the city is located, or to participate with both authorities. Provided that any such city wherein capital improvements have been previously made at its request by an authority must upon its transfer to a different authority or participation with more than one authority continue to honor reimbursement obligations resulting from such improvements.

2) Amend **C.S.S.B. 1079** by adding at page 11, line 37 a new subparagraph (g) to Section 11 to read as follows:

(g) Separate subregional authorities created pursuant to this Act may voluntarily merge upon a subsequent agreement between them.

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Committee Substitute Senate Bill 1079 by adding the following new Section 12 and renumbering the subsequent sections accordingly:

SECTION 12. Separate Subregional Authority. In the event one subregion should establish a regional transportation authority the remaining subregion may establish a separate regional transportation authority pursuant to this Act. In a separate subregion with a principal city of less than 800,000 the tax rate shall be approved by the commissioners court before conformation election as provided in Section 9 of this Act.

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Section 12 of Committee Substitute Senate Bill 1079 at page 11, line 42 as follows:

1. Add the words "or separate subregion" after the word "subregion" and before the comma;
2. Strike the word "subregional";
3. Add the words "for that subregion" after the word "board" and before the word "shall".

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Committee Substitute Senate Bill 1079 as follows:

1. Strike the present Section 15(c), (1), (2), on page 14 beginning at line 25, and replace with a new Section 15(c) to read as follows:

(c) The executive committee by filing a certified copy of the order with the comptroller may authorize and direct the comptroller to collect a rate of tax that is lower than the rate approved by the voters at the conformation election.

2. Add the following new Section 16 and renumber all following sections accordingly:

SECTION 16 Differential Tax Rates. The executive committee by filing a certified copy of the order with the comptroller may authorize and direct the comptroller to collect a different rate of tax in each subregion as long as neither rate is greater than the rate approved by the voters at the conformation election. In a subregion with a principal city of less than 800,000 the tax rate shall be approved by the commissioners court before the conformation election as provided in Section 9 of this Act.

The amendment was read and was adopted.

Senator Meier offered the following amendment to the bill:

Amend Section 10(f) of Committee Substitute Senate Bill 1079 at line 36, page 8 by adding the words "any telegraph and telephone lines or other facilities or properties;" after the word "properties" and before the semicolon.

The amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE BILL 1079
ON THIRD READING**

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1079** be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate present): Yeas 20, Nays 8, Present-Not voting 2.

Yeas: Andujar, Blake, Brooks, Clower, Doggett, Farabee, Harris, Howard, Jones of Harris, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Patman, Price, Santiesteban, Short, Truan.

Nays: Braecklein, Creighton, Mauzy, Parker, Schwartz, Traeger, Vale, Williams.

Present-Not voting: Kothmann, Snelson.

Absent: Jones of Taylor.

MEMORIAL RESOLUTIONS

S.R. 527 - By Snelson: Memorial resolution for James Carroll Ratliff.

S.R. 528 - By Snelson: Memorial resolution for George A. Pelletier, Sr.

S.R. 529 - By Snelson: Memorial resolution for Hubert John Risinger.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 178 - (Jones of Taylor): Extending congratulations to William Robert "Bob" Poage.

S.R. 521 - By Mauzy, Braecklein: Extending congratulations to Mrs. Mary Beakley.

S.R. 524 - By Parker: Extending congratulations to Mrs. Gertrude Triggs.

S.R. 525 - By Parker: Extending congratulations to Clifford Dettman.

S.R. 526 - By Doggett: Extending welcome to Reverend Willis Jernigan.

S.R. 531 - By Clower: Extending congratulations to Epsilon Sigma Alpha on its fiftieth anniversary and proclaiming May 1-7 as ESA Week in Texas.

S.R. 532 - By Jones of Taylor and Brooks: Extending welcome to Albert and Merle Young.

S.R. 533 - By Andujar: Extending congratulations to the Italian Air Force.

S.R. 534 - By Doggett: Extending congratulations to Cue D. Boykin.

ADJOURNMENT

On motion of Senator Moore the Senate at 5:54 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.